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# EXECUTIVE ORDERS

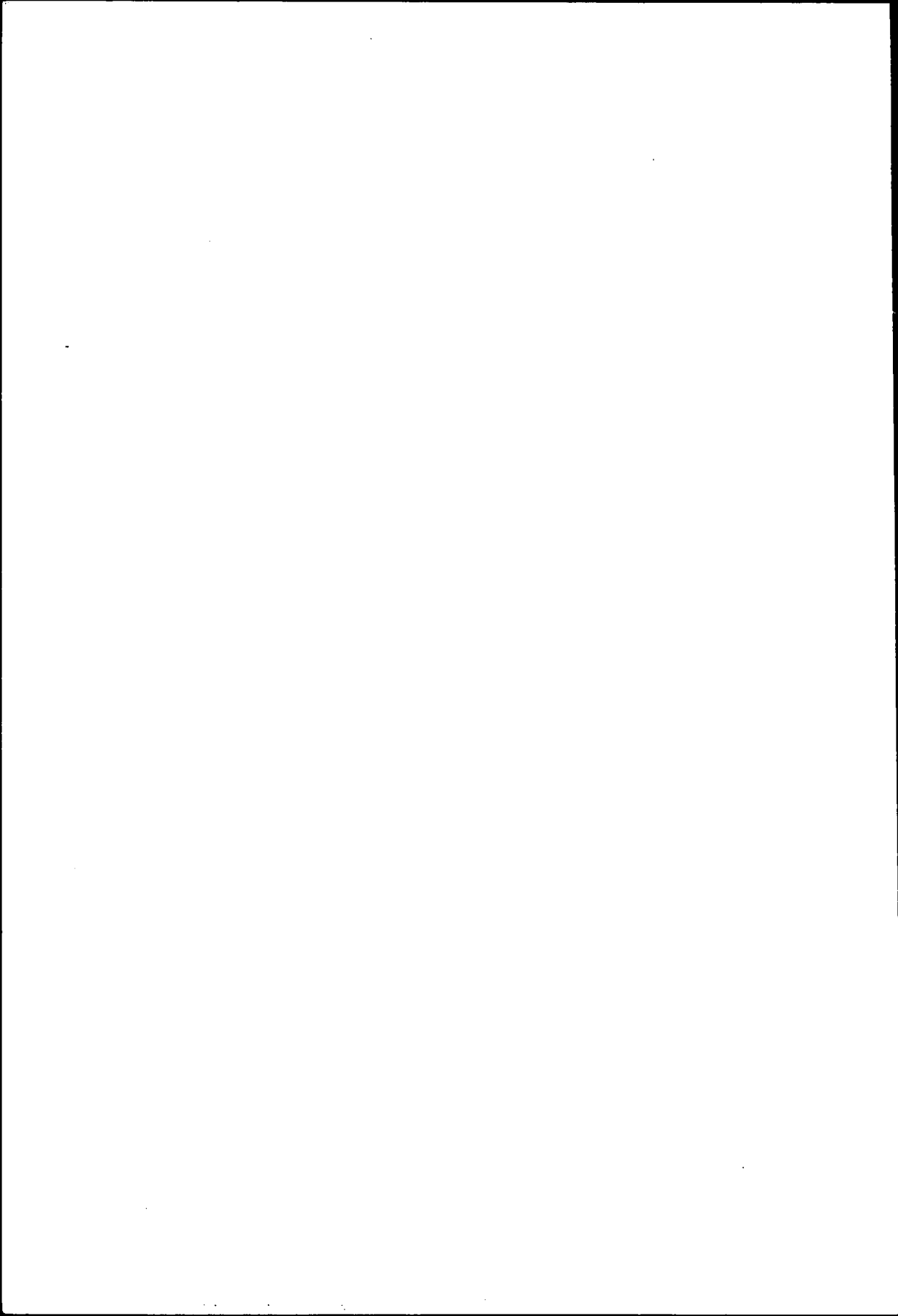
## STATE

## OF

## MARYLAND



1995



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# EXECUTIVE ORDERS STATE OF MARYLAND



1995

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**EXECUTIVE ORDER OF JANUARY 4, 1995**

01.01.1995.01

Governor's Council on Child Abuse and Neglect

(Amends 01.01.1986.13)

WHEREAS, The Governor's Council on Child Abuse and Neglect was originally established on April 29, 1986 by Executive Order 01.01.1986.07, as amended by 01.01.1986.13;

WHEREAS, The Council has acted affirmatively to improve intervention strategies and to raise community awareness in this area of victimization;

WHEREAS, Notwithstanding the progress which has been made, the problem of child abuse and neglect requires continued attention to ensure that programs and policies aimed at improved prevention, detection, prosecution and treatment are effectively implemented and assessed; and

WHEREAS, It is deemed beneficial to restructure the Council so that its membership and organization are more reflective of current needs, goals and working areas;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, AMENDING THE PROVISIONS OF EXECUTIVE ORDER OF 01.01.1986.13, EFFECTIVE IMMEDIATELY:

1. The Governor's Council on Child Abuse and Neglect is hereby created to provide advice to the Governor on matters relating to the implementation and effectiveness of programs INCLUDING POLICY AND TRAINING NEEDS, for the prevention, detection, PROSECUTION, and treatment of child abuse and neglect.
2. The Council is part of the Office for Children, [and] Youth, AND FAMILIES for budgetary, administrative, and staffing purposes [only].
3. The Council consists of UP TO 21 members [appointed by the Governor and include] INCLUDING:
  - (a) [Two members of the Senate of Maryland] A SENATOR designated by the President of the Senate OF MARYLAND;
  - (b) [Two members of the House of Delegates] A DELEGATE designated by the Speaker of the MARYLAND House OF DELEGATES;
  - (c) A representative of the [State] Department of Human Resources, DESIGNATED BY THE SECRETARY;

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- (d) A representative of the [State] Department of Health and Mental Hygiene, DESIGNATED BY THE SECRETARY;
  - (e) A representative of the MARYLAND State Department of Education, DESIGNATED BY THE SUPERINTENDENT;
  - (F) A REPRESENTATIVE OF THE DEPARTMENT OF JUVENILE SERVICES, DESIGNATED BY THE SECRETARY;
  - [(f)] (G) A representative of the [State judiciary] JUDICIAL BRANCH, DESIGNATED BY THE CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS;
  - [(g)] (H) A representative of [a] THE State's [a Attorney's office] ATTORNEYS' ASSOCIATION, DESIGNATED BY THE ASSOCIATION; AND
  - [(h)] Three representatives of private social service agencies;
  - (i) A representative of the Maryland Nurses Association;
  - (j) A representative of a law enforcement agency;
  - (k) Two educators, 1 of whom shall be a classroom teacher;
  - (l) Two physicians, at least 1 of whom shall be a pediatrician; and
  - (m)] (I) [Three] MEMBERS of the general public WITH INTEREST OR EXPERTISE IN THE FIELD OF CHILD ABUSE AND NEGLECT WHO ARE APPOINTED BY THE GOVERNOR AND WHO SHALL INCLUDE REPRESENTATIVES FROM PROFESSIONAL AND ADVOCACY GROUPS, PRIVATE SOCIAL SERVICE AGENCIES, AS WELL AS THE MEDICAL, LAW ENFORCEMENT, EDUCATION AND RELIGIOUS COMMUNITIES.
4. The Governor shall select [the] A chairperson FROM AMONG THE MEMBERS of the Council.
  5. [The term of a nongovernmental member is three years] MEMBERS APPOINTED UNDER THE PROVISIONS OF SECTION 3.(I) MAY SERVE UP TO TWO CONSECUTIVE 3-YEAR TERMS. The terms of these members shall be staggered as required by the terms [of the initial appointments] OF THE MEMBERSHIP EXISTING AS OF THE EFFECTIVE DATE OF THIS ORDER.
  6. ALL OTHER MEMBERS OF THE COUNCIL SHALL CONTINUE IN OFFICE SO LONG AS THEY HOLD THE REQUIRED QUALIFICATION AND DESIGNATION SPECIFIED IN THIS EXECUTIVE ORDER.
  7. In case of a vacancy, the Governor shall appoint a successor for the remainder of the unexpired term.

- [6.] 8. The members of the Council shall serve without compensation[. The members shall], BUT MAY be reimbursed for reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations and as provided in the State budget.
- [7. The Council shall annually report and make recommendations to the Governor and the General Assembly on:
- (a) The coordination and effectiveness of existing community resources for the prevention, detection, and treatment of child abuse and neglect;
  - (b) The availability of models for the prevention, detection, and treatment of child abuse and neglect, including successful programs in other states and their potential for utilization in Maryland;
  - (c) The development and implementation of child abuse awareness, prevention, and reporting programs in Maryland's public schools by the State Department of Education and local education agencies;
  - (d) The coordination and effectiveness of interagency services for the custody, placement, and treatment of abused and neglected children and their families;
  - (e) The effectiveness of Maryland's judicial and legislative efforts to deal with child abuse and neglect;
  - (f) Existing barriers that may inhibit the reporting of incidents of child abuse and neglect and recommendations to encourage reporting;
  - (g) Existing barriers that may inhibit the hiring of qualified personnel to provide protective services and foster care for children at the local level;
  - (h) The ability of the State to respond to increasing demands for child welfare and family services necessitated by the increase in child abuse and neglect; and
  - (i) The manner in which child welfare policies affect children who are at risk of abuse or neglect.]
9. THE COUNCIL SHALL OPERATE WITH THREE STANDING COMMITTEES:
- (A) CONFERENCE COMMITTEE. THE COMMITTEE SHALL BE RESPONSIBLE FOR PLANNING AND IMPLEMENTING THE COUNCIL'S ANNUAL STATEWIDE CONFERENCE ON CHILD ABUSE AND NEGLECT. IT SHALL INCLUDE REPRESENTATION FROM THE PUBLIC AND PRIVATE SECTORS.

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- (B) LEGISLATIVE COMMITTEE. THE COMMITTEE SHALL BE RESPONSIBLE FOR REVIEWING AND MAKING RECOMMENDATIONS CONCERNING LEGISLATION TO IMPROVE THE SYSTEM'S RESPONSE TO THE PROBLEM OF CHILD ABUSE AND NEGLECT.
  - (C) FEDERAL CHILDREN'S JUSTICE ACT COMMITTEE. THE COMMITTEE IS ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL CHILDREN'S JUSTICE ACT, PUBLIC LAW 100-294. IT SHALL REVIEW AND EVALUATE STATE INVESTIGATIVE, ADMINISTRATIVE AND JUDICIAL HANDLING OF CHILD ABUSE AND NEGLECT CASES, AND MAKE POLICY AND TRAINING RECOMMENDATIONS TO IMPROVE SYSTEM RESPONSE AND INTERVENTION. THE COMMITTEE SHALL INCLUDE REPRESENTATIVES OF THE STATE JUDICIARY WITH CRIMINAL AND CIVIL TRIAL COURT DOCKET EXPERIENCE, LAW ENFORCEMENT AGENCIES, THE MARYLAND PUBLIC DEFENDER'S OFFICE, STATE'S ATTORNEYS, THE COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM, HEALTH AND MENTAL HEALTH PROFESSIONALS, CHILD PROTECTIVE SERVICE PROGRAMS, PROGRAMS WHICH SERVE CHILDREN WITH DISABILITIES, PARENT GROUPS, AND ATTORNEYS WHO REPRESENT CHILDREN.
  - (D) IN ADDITION TO THE THREE STANDING COMMITTEES, THE COUNCIL MAY ESTABLISH OTHER AD HOC COMMITTEES AS NECESSARY TO CARRY OUT THE WORK OF THE COUNCIL.
10. THE COUNCIL SHALL REPORT AND MAKE RECOMMENDATIONS ANNUALLY TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON MATTERS RELATING TO THE PREVENTION, DETECTION, PROSECUTION AND TREATMENT OF CHILD ABUSE AND NEGLECT, INCLUDING POLICY AND TRAINING NEEDS THAT REQUIRE THE ATTENTION AND ACTION OF THE GOVERNOR OR THE GENERAL ASSEMBLY.
- [8.] 11. The [existence of the] Council shall continue TO OPERATE until termination by Executive Order.

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**EXECUTIVE ORDER OF JANUARY 4, 1995**

01.01.1995.02

Rescission of Obsolete Executive Orders

WHEREAS, This Executive Order is issued to rescind those executive orders that have become obsolete because the purposes for which the orders were issued have been accomplished or because of subsequent Executive or legislative action;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND THE FOLLOWING EXECUTIVE ORDERS, EFFECTIVE IMMEDIATELY:

- (1) 01.01.1969.01, Approval of Consulting Contracts;
- (2) 01.01.1971.03, Drug Abuse Administration;
- (3) 01.01.1971.18, Commission on Jobs for Veterans;
- (4) 01.01.1974.03, Maximum Speed Limit;
- (5) 01.01.1975.04, Policy of Equal Opportunity for Minority Business Enterprises;
- (6) 01.01.1975.06, Maryland Disaster Assistance Plan;
- (7) 01.01.1976.01, Governor's Commission for Student Affairs at the University of Maryland;
- (8) 01.01.1977.05, Social Services Investigations;
- (9) 01.01.1978.11, Railroad Administration;
- (10) 01.01.1979.04, Inventory of Petroleum Products;
- (11) 01.01.1980.14, Maryland Industrial Training Program Organization;
- (12) 01.01.1981.06, Areas of Critical State Concern;
- (13) 01.01.1981.13, Commission to the Secretary of Economic and Community Development to Designate Areas of Chronic Economic Distress;
- (14) 01.01.1982.06, Anti-Arson Advisory Council;
- (15) 01.01.1983.04, Reorganization - Income Maintenance Administration;
- (16) 01.01.1983.05, Reorganization - Social Services Administration;
- (17) 01.01.1983.13, High Technology Roundtable;
- (18) 01.01.1985.05, Maryland Council of Professional Artists;
- (19) 01.01.1985.06, Maryland Professional Athletes Council;
- (20) 01.01.1985.13, Savings and Loan Associations - Criteria for Allocating Bond Funds;
- (21) 01.01.1985.16, Declaration of Emergency - State Railroad Administration;
- (22) 01.01.1985.24, Savings and Loan Associations - Normalization of Operations;
- (23) 01.01.1986.05, Governor's Commission on Black and Minority Health;
- (24) 01.01.1986.08, Governor's Youth Advisory Council;

- (25) 01.01.1987.10, State Coordinating Council on Residential Placement of Handicapped Children;
- (26) 01.01.1987.23, Governor's Special Committee on the Port of Baltimore;
- (27) 01.01.1988.08, Transition Team for Higher Education;
- (28) 01.01.1988.10, Procurement of Participant Pay-all Group Life Insurance;
- (29) 01.01.1988.14, Governor's Commission on Health Care Policy and Financing;
- (30) 01.01.1989.01, Maryland 1992 Commission;
- (31) 01.01.1989.03, Governor's Commission on Protocol on Maryland State Flag;
- (32) 01.01.1989.16, Governor's Task Force on Self-Esteem;
- (33) 01.01.1990.06, Governor's Task Force on SPECTRUM - Housing for Economic Growth;
- (34) 01.01.1990.14, Executive Study Commission on the Maryland Fire and Rescue Institute;
- (35) 01.01.1990.15, Governor's Advisory Council on Landlord-Tenant Affairs;
- (36) 01.01.1991.03, Governor's Task Force on Family Law;
- (37) 01.01.1991.29, Governor's Commission on Efficiency and Economy in Government;
- (38) 01.01.1992.12, Task Force on Uniform Maryland Building Performance Standards;
- (39) 01.01.1992.13, Commission to Revise the Administrative Procedure Act;
- (40) 01.01.1992.18, Governor's Commission on Emergency Medical Services;
- (41) 01.01.1992.22, Commission on Vehicle Theft and Related Crimes;
- (42) 01.01.1992.28, Governor's Commission on the Death Penalty;
- (43) 01.01.1993.10, Governor's Commission on Welfare Policy;
- (44) 01.01.1993.18, Southern Maryland Higher Education Center;
- (45) 01.01.1993.19, Governor's Task Force to Study Gambling;
- (46) 01.01.1993.23, BWI Airport Commission;
- (47) 01.01.1993.27, State Information Technology Management; and
- (48) 01.01.1993.32, The Governor's Commission on Disruptive Youth.



**EXECUTIVE ORDER OF FEBRUARY 16, 1995**

01.01.1995.03

Cabinet Council on Criminal and Juvenile Justice

WHEREAS, Prevention of crime and the enhancement of public safety are of the utmost concern to the citizens of Maryland; and

WHEREAS, There is a need for enhanced coordination, collaboration, and cooperation among the agencies of State government regarding crime, delinquency, public safety, and other criminal and juvenile justice issues, especially to ensure the effectiveness and efficiency of State agencies in policy planning and implementing criminal and juvenile justice programs;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1988.12, GOVERNOR'S EXECUTIVE ADVISORY COUNCIL, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Cabinet Council on Criminal and Juvenile Justice.

(1) The Council shall consist of:

- (a) The Lt. Governor;
- (b) The Attorney General;
- (c) The Secretary of Public Safety and Correctional Services;
- (d) The Secretary of Juvenile Services;
- (e) The State Superintendent of Schools;
- (f) The Superintendent of the Department of State Police;
- (g) The Secretary of Housing and Community Development;
- (h) The Secretary of Health and Mental Hygiene;
- (i) The Secretary for Economic and Employment Development;
- (j) The Secretary of Human Resources; and
- (k) The Special Secretary for Children, Youth and Families.

(2) The Council will consult with the heads of other appropriate agencies and commissions as needed.

(3) The Lt. Governor shall serve as Chair of the Council and shall be responsible for the oversight and direction of the work of the Council.

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- (4) The Governor's Office of Justice Administration (GOJA) shall provide the primary staff support necessary for the completion of Council duties.
- (5) The Council will meet not less than four times each calendar year and will provide an annual report on its activities to the Governor.
- (6) The Chair may establish task forces and committees as needed to carry out the work of the Council. Membership may include experts from the General Assembly, local government, business and labor, the private sector, law enforcement, academia, the judiciary, elected officials, liaisons with community crime prevention organizations, and interested citizens.
- (7) The Council shall recognize the Juvenile Justice Advisory Council (JJAC) as the State Advisory Group on juvenile justice issues. JJAC is mandated by the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and codified as Public Law 93-415; 42 U.S.C. 5601 (the Act). JJAC's purpose and membership shall be consistent with the provisions of the Act. With the support of local government and the judiciary, JJAC shall monitor and facilitate State of Maryland compliance with the mandates and requirements set forth in the Act in regard to removal of juveniles from adult jails and lockups, deinstitutionalization of status offenders, the separation of juveniles from adults in police lockups and other secure custody, and the disproportionate confinement of minority youth. The Governor's Office of Justice Administration will provide staff support to the JJAC.
- (8) There is within the Governor's Office of Justice Administration a State Board of Victim Services authorized by the provisions of State Government Article 9-1703. The Council will consult with and utilize the expertise of the State Board of Victim Services to ensure the input of crime victims into criminal and juvenile justice policy planning and implementation.

## B. Duties.

- (1) The Council shall have the responsibility to ensure that all appropriate State agencies work together in a collaborative, cooperative, coordinated manner in planning, implementing, and evaluating State criminal and juvenile justice policies and programs.
- (2) The Council's priorities shall include:
  - (a) Identifying and implementing innovative strategies for crime prevention and the enhancement of public safety;
  - (b) Examining the current policies and practices and programs within Maryland State government to facilitate the development of a comprehensive and sound State criminal and juvenile justice policy;

- (c) Developing innovative funding arrangements, including the sharing and pooling of financial resources to ensure comprehensive, flexible, and efficient use of existing resources necessary to make Maryland a national model for criminal and juvenile justice policy and practice; and
  - (d) Ensuring all three branches of government at the State and local level work with citizens to develop innovative and cost effective solutions to crime and the enhancement of public safety; and
  - (e) Collecting information and statistics relevant to crime and the administration of justice.
- C. Members of the Council shall serve so long as they continue to hold the office, nomination, or designation specified in this Executive Order.
- D. A majority shall constitute a quorum for the transaction of any business of the Council and its respective operating committees and task forces.
- E. A member of the Council may not receive any compensation for participation.
- F. The Council may adopt rules consistent with this Executive Order.

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**EXECUTIVE ORDER OF FEBRUARY 20, 1995**

01.01.1995.04

Maryland Economic Development Commission

WHEREAS, The economic well-being of the citizens of Maryland depends upon the creation, attraction and retention of jobs; and

WHEREAS, The vision, experience and guidance of talented members of the Maryland business and economic development community will assist the Governor and the Secretary of Economic and Employment Development in carrying out successful business and economic development activities and foster a positive business climate that will result in more employment opportunities for the citizens of Maryland;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is hereby established a Maryland Economic Development Commission within the Department of Economic and Employment Development.
- B. Scope, purpose and activities of the Commission. The Commission shall:
- (1) Develop and update a strategic plan for economic development in the State;

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- (2) Recommend to the Governor program and spending priorities necessary to implement the strategic plan;
  - (3) Review the Department's budget prior to its submission to the Governor and General Assembly for approval;
  - (4) Periodically advise the Secretary on the allocation of economic development resources, particularly with regard to regional allocation and allocation among industries;
  - (5) Advise the Secretary on Department regulations pertaining to financing programs;
  - (6) Participate in marketing the State and encouraging new businesses to locate in Maryland;
  - (7) Raise private sector funds to supplement economic development programs and financial incentives to business;
  - (8) Review the allocation of financing incentives; and
  - (9) Carry out other economic development activities requested by the Governor.
- C. Membership and procedures of the Maryland Economic Development Commission:
- (1) The Commission, appointed by the Governor, shall not exceed 21 voting members.
  - (2) The Secretary of Economic and Employment Development shall serve as a nonvoting, ex-officio Commission member.
  - (3) The Governor shall appoint a chairman or co-chairmen of the Commission.
  - (4) Each appointed member shall serve at the pleasure of the Governor.
  - (5) In the event of a vacancy on the Commission, the Governor shall appoint a successor.
  - (6) A majority of voting members of the Commission shall constitute a quorum. The Commission may adopt bylaws, rules, and such other procedures necessary to ensure the orderly transaction of business.
  - (7) The Commission and Commission members are subject to the provisions of the Maryland Public Ethics Law.
  - (8) The Commission shall meet at a time and place designated by the chairman or co-chairmen.
  - (9) Staff support to the Commission shall be provided by the Department of Economic and Employment Development.

- (10) Members of the Commission are not entitled to any compensation or other emolument for any services rendered as a Commissioner, except reasonable expenses incurred in connection with attendance at hearings, meetings, and work sessions.
- D. This Executive Order shall terminate upon the enactment of legislation that codifies the creation of the Maryland Economic Development Commission in the Annotated Code of Maryland.

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**EXECUTIVE ORDER OF FEBRUARY 20, 1995**

01.01.1995.05

Governor's Commission on Baltimore City Automobile Insurance Rate Reduction

WHEREAS, The cost of automobile insurance for residents of Baltimore City is high compared to the cost for residents of suburban and rural areas of the State;

WHEREAS, Some Baltimore City drivers may pay two, three, or even four times the insurance rates that a comparable driver in other regions pay;

WHEREAS, Because State law mandates that automobile owners purchase automobile insurance, residents of Baltimore City who own automobiles have no choice but to purchase high cost insurance;

WHEREAS, The high cost of insurance is a financial burden to City residents and detracts from the quality of life in the City;

WHEREAS, There is disagreement over what factors contribute to these high rates in Baltimore City, although particular concerns have been expressed over the practice of territorial rating used by insurance companies, as well as the possibility of redlining by the insurance industry;

WHEREAS, Although several possible solutions to the problem of high insurance rates have been offered in the past, ranging from reducing underlying costs to redistribution of costs equally among all drivers, a comprehensive analysis of the underlying factors that cause higher insurance rates in Baltimore City is necessary prior to enacting reforms to address this problem; and

WHEREAS, In studying the automobile insurance market in Baltimore City, the continued role of the Maryland Automobile Insurance Fund must be considered, as well as the best manner to privatize the Fund if it should not be continued in its current form;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Commission on Baltimore City Automobile Insurance Rate Reduction.

## B. Scope of the Commission:

## (1) The Commission shall:

- (a) Examine those factors which may cause or contribute to high automobile insurance rates in Baltimore City, including an analysis of the following practices:
    - (i) The rating practices of automobile insurers, including territorial rating, and any other practices that may relate to redlining or other unfair discrimination;
    - (ii) The role of attorney involvement in auto insurance disputes;
    - (iii) Practices by health care providers in treating victims of automobile accidents; and
    - (iv) Any actions by insureds or claimants that may contribute to or cause high rates.
  - (b) Review proposals considered or enacted in other states intended to reduce the cost of automobile insurance, including, if appropriate, modification of insurer rating practices, tort reform, and medical care cost containment initiatives.
  - (c) Based on the Commission's review under subparagraphs (a) and (b) above, recommend appropriate changes to the laws of this State that are designed to reduce the cost of automobile insurance in Baltimore City.
  - (d) Recommend whether the proposals suggested under subparagraph (c) be extended to other jurisdictions in the State.
  - (e) Review and make recommendations concerning the role of the Maryland Automobile Insurance Fund in the automobile insurance market, whether the functions of the Fund should be privatized and, if so, in what manner.
- (2) The Commission shall issue a preliminary report to the Governor by July 15, 1995 and a final report by October 1, 1995.

## C. Membership and Procedures.

- (1) The Commission shall be composed of the following seventeen members:
- (a) Three members of the Senate designated by the President of the Maryland Senate;
  - (b) Three members of the House of Delegates designated by the Speaker of the Maryland House of Delegates;
  - (c) Two members designated by the Mayor of the City of Baltimore;

- (d) The Insurance Commissioner or designee; and
  - (e) Eight members of the general public to be appointed by the Governor.
- (2) The Governor shall appoint the Chairperson of the Commission.
  - (3) The appointed members of the Commission serve at the pleasure of the Governor.
  - (4) The members of the Commission may not receive any compensation for their services. The members may be reimbursed for reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations and as provided in the State budget.
  - (5) The Commission shall be staffed by personnel from the Governor's Legislative Office with assistance from the Maryland Insurance Administration.

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**EXECUTIVE ORDER OF MARCH 28, 1995**

01.01.1995.06

Governor's Judicial Nominations Task Force

WHEREAS, One of the most important responsibilities of the Governor is the selection of judges to serve on the trial and appellate courts of the State;

WHEREAS, By Executive Order 01.01.1974.23, The Governor of the State of Maryland created the Judicial Nominating Commission or commissions for the purpose of recommending to the Governor the names of persons for appointment to the trial and appellate courts of Maryland, and providing for the composition and general functions and procedures for the Judicial Nominating Commissions;

WHEREAS, The interests of the people of the State of Maryland will be best served by the continued existence and application of the Judicial Nominations System; and

WHEREAS, The Executive Order may require revisions to address certain alleged inequities and disparities with the current system.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Task Force on Judicial Nominating Commissions.
- B. The Task Force shall consist of 15 members, 13 appointed by the Governor, and one each appointed by the President of the Senate of Maryland and the Speaker of the House of Delegates.

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- C. The purpose of the Task Force shall be to make recommendations to the Governor relating to the reauthorization of the Executive Order on Judicial Nominations in order to ensure that the selection and evaluation of judges is conducted fairly, based upon merit, experience and diversity.
- D. The Task Force shall:
  - (1) identify specific issues and concerns relating to the judicial nominations process and shall consider the perspectives of all constituencies across the State; and
  - (2) give the Governor specific recommendations relating to the reauthorization of the Executive Order which shall:
    - (a) Keep in place the current system of judicial nominations commissions in which members of the general public and members of local bar associations make recommendations to the Governor concerning judicial appointments; and
    - (b) Ensure greater inclusiveness and fairness in the process of appointing members to the Commissions.
- E. The Task Force shall present its recommendations to the Governor within 21 days.

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**EXECUTIVE ORDER OF APRIL 7, 1995**

01.01.1995.07

Governor's Judicial Nominations Task Force

(Amends Executive Order 01.01.1995.06)

WHEREAS, By Executive Order 01.01.1995.06 Governor Glendening created the Governor's Judicial Nominations Task Force to review the current Judicial Nominating Commission procedures for recommending names of persons for appointment to the trial and appellate courts of Maryland; and

WHEREAS, The Task Force has begun to meet to make recommendations to address certain alleged inequities and disparities with the current system and wants to increase its membership by two additional members of the General Assembly.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Task Force on Judicial Nominating Commissions.



- B. The Task Force shall consist of [15] 17 members, 13 appointed by the Governor, and [one] TWO each appointed by the President of the Senate of Maryland and the Speaker of the House of Delegates.
- C. The purpose of the Task Force shall be to make recommendations to the Governor relating to the reauthorization of the Executive Order on Judicial Nominations in order to ensure that the selection and evaluation of judges is conducted fairly, based upon merit, experience and diversity.
- D. The Task Force shall:
  - (1) identify specific issues and concerns relating to the judicial nominations process and shall consider the perspectives of all constituencies across the State; and
  - (2) give the Governor specific recommendations relating to the reauthorization of the Executive Order which shall:
    - (a) Keep in place the current system of judicial nominations commissions in which members of the general public and members of local bar associations make recommendations to the Governor concerning judicial appointments; and
    - (b) Ensure greater inclusiveness and fairness in the process of appointing members to the Commissions.
- E. The Task Force shall present its recommendations to the Governor within 21 days.

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### EXECUTIVE ORDER OF APRIL 17, 1995

01.01.1995.08

#### Judicial Nominating Commissions

(Amends 01.01.1991.05)

WHEREAS, By Executive Order 01.01.1974.23, amended by 01.01.1988.06 and 01.01.1991.05, the Governor of the State of Maryland created the Judicial Nominating Commission System for the purpose of recommending to the Governor the names of persons for appointment to the appellate and trial courts of Maryland, and providing for the composition and general functions and procedures of the Judicial Nominating Commissions;

WHEREAS, The normal membership of a Trial Court Judicial Nominating Commission is 13 members;

WHEREAS, Resignations and other disqualifications have reduced the membership of the Harford County Trial Court Judicial Nominating Commission, District 4, to 9 members;

WHEREAS, I have postponed appointments to Appellate and Trial Court Judicial Nominating Commissions pending a report by a task force to study the process of judicial nominations; and

WHEREAS, There is a vacancy for the Circuit Court for Harford County which must be filled due to the extensive caseloads faced by that jurisdiction; and

WHEREAS, That vacancy cannot be filled because Executive Order 01.01.1991.05 requires at least 10 members at a voting session of a trial court judicial nominating commission;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.1991.05, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER:

A. Definitions.

- (1) In this Executive Order the following words have the means indicated.
- (2) "Appellate Court" means the Court of Appeals of Maryland and the Court of Special Appeals of Maryland.
- (3) "Trial Court" means the District Court of Maryland and the Circuit Court of a County or Baltimore City.
- (4) "Secretariat" means the Administrative Office of the Courts.

B. Appellate Judicial Nominating Commission.

- (1) Creation and Composition. The Appellate Judicial Nominating Commission is created as part of the Executive Department. It consists of 15 persons chosen as follows:
  - (a) A Chairman appointed by the Governor. The Chairman may, but need not, be a lawyer and shall be selected from the State at large. The Chairman may not hold an office of profit or trust under the Constitution or laws of this State or an office in a political party or be a full-time employee of the State.
  - (b) Seven members appointed by the Governor and who shall be chosen as follows:
    - (i) One each shall be selected from the six appellate judicial circuits. Each person shall be a resident and qualified voter in the circuit from which appointed.
    - (ii) One shall be a resident and qualified voter selected from the State at large.

- (iii) Members appointed by the Governor may not be lawyers, hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be a full-time employee of the State.
- (iv) To the fullest extent possible, the composition of the members appointed by the Governor shall fairly and appropriately reflect the minority and female population of the area from which appointed.
- (c) Seven members of the Maryland Bar who shall be elected as follows:
  - (i) One each shall be elected by the members of the Maryland Bar in each of the six appellate judicial circuits. Each person shall be a qualified voter of the State, and shall reside or maintain a principal office for the practice of law in the appellate judicial circuit from which elected. These persons shall be elected by members of the Maryland Bar who are qualified voters of the State, and who either reside or maintain their principal offices for the practice of law in the appropriate appellate judicial circuit.
  - (ii) One shall be elected by members of the Maryland Bar in the State at large, who shall be a resident and qualified voter of the State, and who shall be elected by members of the Maryland Bar who are qualified voters and who reside and maintain their principal offices for the practice of law in the State.
  - (iii) Members elected by the Maryland Bar may not hold offices of profit or trust under the Constitution or laws of the State, or offices in any political party. Fair and appropriate consideration should be given to minority and female participation in the election process.
  - (iv) The elections in each circuit and in the State at large shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland.
- (D) The Commission, by vote of a majority of its full authorized membership, shall select from among the members a vice chairman. The Vice Chairman may perform any duty of the Chairman, during his absence, unavailability, or inability to act.
- (2) Terms. The terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election, and until their successors are duly chosen. However, if the Commission meets not less than twice in any twelve month period and a Commission member who is not disqualified from participating fails to attend at least

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50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period and another member shall be promptly selected.

- (3) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor, in accordance with Section B(1)(a) or (b). If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
  - (4) Ineligibility for Judicial Appointment. The Governor may not appoint a member of the Commission to a vacancy that occurs on an Appellate Court during the term for which the member was chosen.
  - (5) Number of Recommendations. The Commission shall submit to the Governor a list of not less than five or more than seven nominees for each vacancy on an Appellate Court.
- C. Trial Courts Judicial Nominating Commissions.
- (1) Creation.
    - (a) The Trial Court Judicial Nominating Commissions are created as part of the Executive Department. For the purposes of operation and administration of the Commissions, the State shall be divided into Commission Districts as follows:
      - (i) Commission District 1 – Dorchester, Somerset, Wicomico, and Worcester Counties;
      - (ii) Commission District 2 – Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties;
      - (iii) Commission District 3 – Baltimore County;
      - (iv) Commission District 4 – Harford County;
      - (v) Commission District 5 – Allegany and Garrett Counties;
      - (vi) Commission District 6 – Washington County;
      - (vii) Commission District 7 – Anne Arundel County;
      - (viii) Commission District 8 – Carroll County;
      - (ix) Commission District 9 – Howard County;
      - (x) Commission District 10 – Frederick County;
      - (xi) Commission District 11 – Montgomery County;

- (xii) Commission District 12 – Calvert and St. Mary’s Counties;
  - (xiii) Commission District 13 – Prince George’s County;
  - (xiv) Commission District 14 – Baltimore City; AND
  - (xv) Commission District 15 – Charles County.
- (b) After July 1, 1988, if any county in a multi-county Commission District achieves a population of 100,000 or more as of July 1 of each quadrennial election year, based on the figures reported periodically by the Maryland Department of Health and Mental Hygiene, Division of Health Statistics, that county shall be entitled to be a separate Commission District and to have a separate Commission without further action by law or otherwise.
- (2) Composition. Each Commission shall consist of 13 persons chosen as follows:
- (a) A Chairman appointed by the Governor. The Chairman may but need not be a lawyer, but shall be a resident and qualified voter of the Commission District from which appointed. The Chairman may not hold an office of profit or trust under the Constitution or laws of this State or an office in a political party or be a full-time employee of the State.
  - (b) Six members appointed by the Governor from among the residents and qualified voters of the Commission District. These persons may not be lawyers, hold office of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State. If the Commission District contains more than one county, at least one person shall be appointed from each county in the Commission District, and the person shall be a resident and qualified voter of such county. To the fullest extent possible, the composition of the members appointed by the Governor shall fairly and appropriately reflect the minority and female population of the Commission District.
  - (c) Six members of the Maryland Bar who are qualified voters in the State and who maintain their principal offices for the practice of law in the Commission District. These persons may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party. They shall be elected by the members of the Maryland Bar who are qualified voters in the State and who maintain their principal offices for the practice of law in the Commission District. In each multi-county Commission District, there shall be at least one member who maintains a principal office for the practice of law in each county for which there may exist a nominee. Fair and appropriate consideration should be given to

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minority and female participation in the election process. The election shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland.

- (3) Terms. The terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election and until their successors are duly chosen. However, if the Commission meets not less than twice in any twelve month period and a Commission member who is not disqualified from participation fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period, and another member shall promptly be selected.
- (4) Vacancies. If a vacancy occurs on a Commission by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor in accordance with Section C(2). If the vacancy occurs by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
- (5) Ineligibility for Judicial Appointment. The Governor may not appoint a member of these Commissions to a vacancy that occurs on a Trial Court during the term for which the member was chosen.
- (6) Number of Recommendations. A Commission shall submit to the Governor a list of not more than seven names for each judicial vacancy on a Trial Court within its Commission District. The Commission shall submit a minimum number of names so that the number of nominees for each vacancy, including any eligible nominee on a list previously submitted as provided by Section G(2), is no less than the number specified in the following table:

Number of Lawyers Contributing to Client's Security Trust Fund in the County	Minimum Number of Nominees Per Vacancy
(a) More than 750	5
(b) 201-750	4
(c) 31-200	3
(d) 30 or less	2

## D. Recommending Less than Minimum Number.

- (1) A Commission may recommend less than the minimum number of nominees required by Section B(5) and C(6) under the following conditions:
  - (a) If multiple vacancies exist for which recommendations must be made, a Commission may submit a list containing the required minimum number of nominees for one vacancy plus two additional names for each vacancy in excess of one; or
  - (b) If it concludes that there is less than the required minimum number of persons willing to accept appointment who are legally and fully professionally qualified. However, a Commission shall obtain the prior approval of the Governor in order to recommend fewer than four names under Section B(5) or fewer than three names under Section C(6)(a) or (b) or fewer than 2 names under (C)(6)(c).
- (2) If any person recommended for appointment is unwilling to accept appointment, or is disqualified, or is otherwise unavailable for appointment, a Commission may, upon request of the Governor, submit an additional nominee if needed to increase the list to the prescribed minimum number of names.
- (3) If the position to be filled is then held by an incumbent judge who is eligible for and desires reappointment, the Commission, with the prior approval of the Governor, may submit a list containing less than the prescribed minimum number of names.

## E. Commission Procedures.

- (1) Each Commission shall operate under procedures specified in rules adopted by the Chief Judge of the Court of Appeals of Maryland consistent with this Executive Order.
- (2) Upon notification by the Secretariat that a vacancy exists or is about to occur in a judicial office for which a Commission is to make nominations, the Commission shall seek and review applications of proposed nominees for the judicial office. Application shall be made on the form prescribed by the Secretariat. The Commission shall notify the Maryland State Bar Association, Inc. and other appropriate bar associations of the vacancy, and shall request recommendations from them. The Commission may also seek recommendations from interested citizens and from among its own members.
- (3) The Commission shall evaluate each proposed nominee. In the course of its evaluation, the Commission may seek information beyond that contained in the personal data questionnaire submitted by a candidate. The Commission may obtain pertinent information from knowledgeable

## EXECUTIVE ORDERS

persons known to Commission members, the Attorney Grievance Commission, judges, personal references given by the candidate, criminal justice agencies, or other sources. A criminal justice agency, including the Central Repository, may release criminal history record information, including conviction and non-conviction data, to a Commission upon request of its chairman, for the purpose of evaluating a candidate.

- (4) VOTING.
    - (A) EXCEPT AS PROVIDED IN (4)(B), no fewer than [10] 8 members shall be present at a voting session of a trial court Judicial Nominating Commission. No fewer than 11 members shall be present at a voting session of the Appellate Judicial Nominating Commission.
    - (B) FOR THE PURPOSE OF FILLING ONLY THE VACANCY ON THE CIRCUIT COURT FOR HARFORD COUNTY EXISTING AS OF APRIL 13, 1995, NO FEWER THAN 8 MEMBERS SHALL BE PRESENT AT A VOTING SESSION.
  - (5) The Commission shall select and nominate to the Governor persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. No person's name may be submitted unless the person has been found legally and most fully professionally qualified by a vote of a majority of the members present at a voting session, as taken by secret ballot, and unless the person has been interviewed by the Commission. The secret ballots shall be sealed and delivered to the Secretariat and may be opened only by demand of the Governor or by court order.
  - (6) The Commission shall report in writing to the Governor the names of the persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The names of persons shall be listed in alphabetical order. The report shall be submitted within 70 days following notification by the Secretariat that a vacancy exists or is about to occur. The Commission shall release its report to the public concurrently with submission of its report to the Governor.
  - (7) Each Commission shall, through the Secretariat, distribute informational and educational materials concerning judicial vacancies and the functions of the Commission, in order to inform the public of the judicial selection process of the State.
- F. Confidentiality. The name of an individual who submits a personal data questionnaire to a Commission may not be made public by the Commission until after the closing date for the submission of questionnaires. The Secretariat may submit the names of those individuals to a bar association, on receiving satisfactory assurances that no committee or officer of the Bar Association will release or permit the release to the public of any ranking of



the individuals by, or the results of any ballots returned from the members of, the Bar Association. A personal data questionnaire submitted to a Commission is confidential and may not be released by anyone other than the applicant, except that the Secretariat shall forward to the Governor the personal data questionnaires of those individuals actually nominated to the Governor by a Commission. The evaluation of candidates by a commission, including interviews, deliberations and voting, is confidential and may not be disclosed to anyone.

G. Appointment.

- (1) The Governor shall fill a judicial vacancy by selecting a person from the list of nominees submitted by the appropriate Commission.
- (2) With respect to any judicial vacancy, the Governor may also fill the most recent judicial vacancy by selecting a person from any list previously submitted by the appropriate Commission for a judicial vacancy on the same court for which the current list is submitted, if the previous list was submitted within a twelve month period of the occurrence of the most recent vacancy and information on the nominees is updated.

H. Effective Date. For purposes of the election and appointment of individuals to serve on the Appellate and Trial Court Judicial Nominating Commissions, this Executive Order is effective immediately.

I. Applicability. [For the purpose of filling judicial vacancies, the] THE amendments made by this Order are applicable [to any judicial vacancy which occurs on or after January 16, 1991] ONLY TO THE JUDICIAL VACANCY ON THE CIRCUIT COURT FOR HARFORD COUNTY EXISTING AS OF THE DATE OF THIS ORDER.

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**EXECUTIVE ORDER OF APRIL 26, 1995**

01.01.1995.09

Governor's Commission on Gun Violence

WHEREAS, The alarming increase in gun violence and gun-related accidents threatens the lives, health, and safety of Maryland's citizens;

WHEREAS, The safety of our communities, and especially our children, can be improved by sound measures to reduce gun violence and by raising the public's awareness and support of gun laws and safety measures; and

WHEREAS, It is in the vital interests of the citizens of Maryland that legislative and community outreach agendas be formulated.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM

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## THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There is hereby established a Governor's Commission on Gun Violence.
- B. Membership and Procedures.
  - (1) The Commission shall consist of up to 17 members appointed by the Governor to include:
    - (a) A member of the Senate nominated by the President of the Senate;
    - (b) A member of the House of Delegates nominated by the Speaker of the House; and
    - (c) Representatives of the law enforcement community, advocacy organizations, religious groups, crime victims, medical response agencies and the general public.
  - (2) Members shall serve at the pleasure of the Governor.
  - (3) The Governor shall designate co-chairpersons from among the members of the Commission.
  - (4) The members of the Commission may not receive compensation for their services. Members may be reimbursed for their reasonable expenses incurred in the performance of their duties, in accordance with standard travel regulations as provided by law.
  - (5) The Maryland State Police shall provide staff support and technical assistance to the Commission.
- C. Duties of the Commission. The Commission shall:
  - (1) Study the scope of gun trafficking, gun violence and gun-related accidents in Maryland;
  - (2) Study existing laws pertaining to the distribution, possession and use of guns and recommend methods for improving enforcement;
  - (3) Develop legislative proposals for introduction during the 1996 Session of the Maryland General Assembly;
  - (4) Recommend administrative and programmatic initiatives and develop methods to build community awareness and support of gun safety measures;
  - (5) Identify model educational programs which may be implemented by State and local agencies and public/private partnerships to reduce the incidence of gun-related violence; and .
  - (6) Carry out other duties as may be requested by the Governor under the scope of this Executive Order.

- D. Final Report. The Commission shall submit its final report and recommendations to the Governor on or before November 1, 1995.

**EXECUTIVE ORDER OF APRIL 28, 1995**

01.01.1995.10

Judicial Nominating Commissions

(Rescinds Executive Order 01.01.1995.07 and 01.01.1995.08)

WHEREAS, By Executive Order 01.01.1974.23, the Governor of the State of Maryland created the Judicial Nominating Commission System for the purpose of recommending to the Governor the names of persons for appointment to the appellate and trial courts of Maryland, and providing for the composition and general functions and procedures for the Judicial Nominating Commissions;

WHEREAS, The Executive Order has been revised eight times and has provided a system which is both effective and of material assistance in assuring the appointment of qualified persons in the Judiciary of Maryland;

WHEREAS, The interests of the people and the State of Maryland will be best served by the continued existence and application of the Judicial Nominating Commission System;

WHEREAS, By Executive Order 01.01.1995.06 the Task Force on Judicial Nominating Commissions was created to make recommendations relating to the judicial nominating process to ensure that the selection and evaluation of judges is conducted fairly, based upon merit, experience and diversity; and

WHEREAS, The Task Force has reviewed the current Judicial Nominating Commission procedures and has recommended changes that are incorporated in this Order.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1995.07 AND 01.01.1995.08, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER:

A. Definitions.

- (1) In this Executive Order the following words have the means indicated.
- (2) "Appellate Court" means the Court of Appeals of Maryland and the Court of Special Appeals of Maryland.
- (3) "Trial Court" means the District Court of Maryland and the Circuit Court of a county or Baltimore City.
- (4) "Secretariat" means the Administrative Office of the Courts.

B. Appellate Judicial Nominating Commission.

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- (1) Creation and Composition. The Appellate Judicial Nominating Commission is created as part of the Executive Department. It consists of 17 persons chosen as follows:
  - (a) A Chairman appointed by the Governor. The Chairman may but need not be a lawyer, and shall be selected from the State at large. The Chairman may not hold an office of profit or trust under the Constitution or laws of this State or an office in a political party or be a full-time employee of the State.
  - (b) Eight members appointed by the Governor and who shall be chosen as follows:
    - (i) One each shall be selected from the seven appellate judicial circuits. Each person shall be a resident and qualified voter in the circuit from which appointed;
    - (ii) One shall be a resident and qualified voter selected from the State at large;
    - (iii) Members appointed by the Governor may not be lawyers, hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be a full-time employee of the State; and
    - (iv) To the fullest extent possible, the composition of the members appointed by the Governor shall fairly and appropriately reflect the minority and female population of the area from which appointed.
  - (c) Eight members of the Maryland Bar who shall be selected as follows:
    - (i) One each shall be elected by the members of the Maryland Bar in each of the seven appellate judicial circuits. Each person shall be a qualified voter of the State, and shall reside or maintain a principal office for the practice of law in the appellate judicial circuit from which elected. These persons shall be elected by members of the Maryland Bar who are qualified voters of the State and who either reside or maintain their principal offices for the practice of law in the appropriate appellate judicial circuit;
    - (ii) One shall be appointed by the Governor, who shall be a resident and qualified voter of the State;
    - (iii) Members elected by the Maryland Bar may not hold offices of profit or trust under the Constitution or laws of the State or offices in any political party. Fair and appropriate consideration should be given to minority and female participation in the election process.

- (iv) The elections in each circuit shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland.
  - (v) Candidates for all elected lawyer positions shall submit a petition signed by 15 lawyers;
  - (vi) The Governor will accept written recommendations from the leadership of bar associations regarding the appointed lawyer position; and
  - (vii) No more than one lawyer from the same firm or legal office may serve on the same nominating commission.
- (2) Vice Chairman. The Commission, by vote of a majority of its full authorized membership, shall select from among the members of Vice Chairman. The Vice Chairman may perform any duty of the Chairman during his/her absence, unavailability, or inability to act.
  - (3) Terms. Terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election, and until their successors are duly chosen. However, if the Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participating fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period and another member shall be promptly selected.
  - (4) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor, in accordance with Section B(1)(a) or (b). If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
  - (5) Ineligibility for Judicial Appointment. The Governor may not appoint a member of the Commission to a vacancy that occurs on an Appellate Court during the term for which the member was chosen.
  - (6) Number of Recommendations. The Commission shall submit to the Governor a list of not less than five nor more than seven nominees for each vacancy on an Appellate Court.
- C. Trial Courts Judicial Nominating Commissions.
- (1) Creation.

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- (a) The Trial Court Judicial Nominating Commissions are created as part of the Executive Department. For the purposes of operation and administration of the Commissions, the State shall be divided into Commission Districts as follows:
    - (i) Commission District 1 – Somerset, Wicomico, and Worcester Counties;
    - (ii) Commission District 2 – Cecil, Kent and Queen Anne's Counties;
    - (iii) Commission District 3 – Baltimore County;
    - (iv) Commission District 4 – Harford County;
    - (v) Commission District 5 – Allegany and Garrett Counties;
    - (vi) Commission District 6 – Washington County;
    - (vii) Commission District 7 – Anne Arundel County;
    - (viii) Commission District 8 – Carroll County;
    - (ix) Commission District 9 – Howard County;
    - (x) Commission District 10 – Frederick County;
    - (xi) Commission District 11 – Montgomery County;
    - (xii) Commission District 12 – Calvert and St. Mary's Counties;
    - (xiii) Commission District 13 – Prince George's County;
    - (xiv) Commission District 14 – Baltimore City;
    - (xv) Commission District 15 – Charles County; and
    - (xvi) Commission District 16 – Caroline, Dorchester, and Talbot Counties.
  - (b) After April 28, 1995, if any county in a multi-county Commission District achieves a population of 100,000 or more as of July 1 of each quadrennial election year, based on the figures reported periodically by the Maryland Department of Health and Mental Hygiene, Division of Health Statistics, that count shall be entitled to be a separate Commission District and to have a separate Commission without further action by law or otherwise.
- (2) Composition. Each Commission shall consist of 13 persons chosen as follows:

- (a) A Chairman appointed by the Governor. The Chairman may but need not be a lawyer, but shall be a resident and qualified voter of the Commission District from which appointed. The Chairman may not hold an office of profit or trust under the Constitution or laws of this State or an office in a political party or be a full-time employee of the State.
- (b) Six members appointed by the Governor from among the residents and qualified voters of the Commission District. These persons may not be lawyers, hold office of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State. If the Commission District contains more than one county, at least one person shall be appointed from each county in the Commission District, and the person shall be a resident and qualified voter of such county. To the fullest extent possible, the composition of the members appointed by the Governor shall fairly and appropriately reflect the minority and female population of the Commission District.
- (c) Six members of the Maryland Bar as follows:
  - (i) Members shall be qualified voters in the State and maintain their principal offices for the practice of law in the Commission District. These persons may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party. At least two members shall be residents of the Commission District.
  - (ii) Four of the six shall be elected by the members of the Maryland Bar shall be qualified voters in the State and who maintain their principal offices for the practice of law in the Commission District. In each multi-county Commission District, there shall be at least one member who maintains a principal office for the practice of law in each county for which there may exist a nominee. Fair and appropriate consideration should be given to minority and female participation in the election process. The election shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland. Candidates for all elected lawyer positions shall submit a petition signed by 15 lawyers.
  - (iii) Two of the six shall be appointed by the Governor. The Governor will accept written recommendations from the leadership of Bar Associations regarding the appointed lawyer positions. The Governor will consider the need for greater diversity of experience, gender and race.

## EXECUTIVE ORDERS

- (3) Terms. The terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election and until their successors are duly chosen. However, if the Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participation fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period, and another member shall promptly be selected.
- (4) Vacancies. If a vacancy occurs on a Commission by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor in accordance with Section C(2). If the vacancy occurs by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
- (5) Ineligibility for Judicial Appointment. The Governor may not appoint a member of these Commissions to a vacancy that occurs on a Trial Court during the term for which the member was chosen.
- (6) Number of Recommendations. A Commission shall submit to the Governor a list of not more than seven names for each judicial vacancy on a Trial Court within its Commission District. The Commission shall submit a minimum number of names so that the number of nominees for each vacancy, including any eligible nominee on a list previously submitted as provided by Section G(2), is no less than the number specified in the following table:

Number of Lawyers Contributing to Client's Security Trust Fund in the County	Minimum Number of Nominees Per Vacancy
(a) More than 750	5
(b) 201-750	4
(c) 31-200	3
(d) 30 or less	2

D. Recommending Less than Minimum Number.

- (1) A Commission may recommend less than the minimum number of nominees required by Section B(5) and C(6) under the following conditions:



- (a) If multiple vacancies exist for which recommendations must be made, a Commission may submit a list containing the required minimum number of nominees for one vacancy plus two additional names for each vacancy in excess of one; or
  - (b) If it concludes that there is less than the required minimum number of persons willing to accept appointment who are legally and fully professionally qualified. However, a Commission shall obtain the prior approval of the Governor in order to recommend fewer than four names under Section B(5) or fewer than three names under section C(6)(a) or (b) or fewer than 2 names under (C)(6)(c).
- (2) If any person recommended for appointment is unwilling to accept appointment, or is disqualified, or is otherwise unavailable for appointment, a Commission may, upon request of the Governor, submit an additional nominee if needed to increase the list to the prescribed minimum number of names.
  - (3) If the position to be filled is then held by an incumbent judge who is eligible for and desires reappointment, the Commission, with the prior approval of the Governor, may submit a list containing less than the prescribed minimum number of names.

E. Commission Procedures.

- (1) Each Commission shall operate under procedures specified in rules adopted by the Chief Judge of the Court of Appeals of Maryland consistent with this Executive Order. The Secretariat and the Governor shall provide for the training of Commission members in effectively evaluating judicial candidates and in screening for sensitivity to diversity issues.
- (2) Upon notification by the Secretariat that a vacancy exists or is about to occur in a judicial office for which a Commission is to make nominations, the Commission shall seek and review applications of proposed nominees for the Judicial Office. Application shall be made on the form prescribed by the Secretariat. The Commission shall notify the Maryland State Bar Association, Inc. and other appropriate bar associations of the vacancy and shall request recommendations from them. The Commission may also seek recommendations from interested citizens and from among its own members.
- (3) The Commission shall evaluate each proposed nominee. In the course of its evaluation, the Commission may seek information beyond that contained in the personal data questionnaire submitted by a candidate. The Commission may obtain pertinent information from knowledgeable persons known to Commission members, the Attorney Grievance Commission, judges, personal references given by the candidate, criminal justice agencies, or other sources. The Commission shall place

## EXECUTIVE ORDERS

notices in at least one newspaper read by members of the general public inviting written and signed comments to the Commission regarding the named applicants for judicial appointment. A criminal justice agency, including the Central Repository, may release criminal history record information, including conviction and nonconviction data, to a Commission upon request of its chairman, for the purpose of evaluating a candidate.

- (4) No fewer than 10 members shall be present at a voting session of a trial court judicial nominating commission. No fewer than 11 members shall be present at a voting session of the Appellate Judicial Nominating Commission.
  - (5) The Commission shall select and nominate to the Governor persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The Commissions shall evaluate the extent to which candidates have the following qualifications for judicial office; integrity, maturity, health, if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. Commission members shall be sensitive to gender and diversity issues in the evaluation of judicial candidates. No person's name may be submitted unless the person has been found legally and most fully professionally qualified by a vote of a majority of the members present at a voting session, as taken by secret ballot, and unless the person has been interviewed by the Commission. The secret ballots shall be sealed and delivered to the Secretariat and may be opened only by demand of the Governor or by court order.
  - (6) The Commission shall report in writing to the Governor the names of the persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The names of persons shall be listed in alphabetical order. The report shall be submitted within 85 days following notification by the Secretariat that a vacancy exists or is about to occur. The Commission shall release its report to the public concurrently with submission of its report to the Governor.
  - (7) Each Commission shall, through the Secretariat, distribute informational and educational materials concerning judicial vacancies and the functions of the Commission in order to inform the public of the judicial selection process of the State.
- F. Confidentiality. The name of an individual who submits a personal data questionnaire to a Commission may not be made public by the Commission until after the closing date for the submission of questionnaires. The Secretariat may submit the names of those individuals to a bar association, on receiving satisfactory assurances that no committee or officer of the Bar Association will release or permit the release to the public of any ranking of the individuals by, or the results of any ballots returned from the members of, the Bar Association. A personal data questionnaire submitted to a

Commission is confidential and may not be released by anyone other than the applicant, except that the Secretariat shall forward to the Governor the personal data questionnaires of those individuals actually nominated to the Governor by a Commission. The evaluation of candidates by a commission, including interviews, deliberations and voting, is confidential and may not be disclosed to anyone.

G. Appointment.

- (1) The Governor shall fill a judicial vacancy by selecting a person from the list of nominees submitted by the appropriate Commission.
- (2) With respect to any judicial vacancy, the Governor may also fill the most recent judicial vacancy by selecting a person from any list previously submitted by the appropriate Commission for a judicial vacancy on the same court for which the current list is submitted, if the previous list was submitted within a 12-month period of the occurrence of the most recent vacancy and information on the nominees is updated.

H. Effective Date. For purposes of the election and appointment of individuals to serve on the Appellate and Trial Court Judicial Nominating Commissions, this Executive Order is effective immediately. Notwithstanding the provisions of B(3) and C(3) of this Order, existing judicial nominating commissions are hereby terminated and seventeen new judicial nominating commissions are created in accordance with the provisions of this Order.

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**EXECUTIVE ORDER OF MAY 1, 1995**

01.01.1995.11

Central Light Rail Line Security at Oriole Park at Camden Yards

WHEREAS, Maintenance of public safety and security is of paramount importance during major league baseball events held at Oriole Park at Camden Yards;

WHEREAS, The augmentation of law enforcement agencies having jurisdiction at and adjacent to Oriole Park at Camden Yards, including the police force of the Mass Transit Administration, will help ensure public safety and security, particularly along the Central Light Rail Line and its stops and stations; and

WHEREAS, The members of the Maryland Transportation Authority Police, pursuant to § 4-208 of the Transportation Article of the Annotated Code of Maryland, are granted all the powers of a peace officer and a police officer of this State;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

## EXECUTIVE ORDERS

- A. Pursuant to § 4-208 (b)(2)(iv) of the Transportation Article of the Annotated Code of Maryland, the Maryland Transportation Authority shall assign those officers of the Maryland Transportation Authority Police necessary, as determined by the Secretary of Transportation, to augment the Mass Transit Administration Police Force to ensure the maintenance of public safety and security at Mass Transit facilities at and near Oriole Park at Camden Yards, and particularly along the Central Light Rail Line, before, during and after major league baseball games.
- B. Maryland Transportation Authority Police Officers assigned to Oriole Park at Camden Yards may exercise their police powers on all property owned, operated or under the control of the Maryland Stadium Authority at Oriole Park at Camden Yards within the City of Baltimore and in the areas adjoining Oriole Park as follows:
- (1) North to and including Pratt Street, including the intersections with Howard and Greene Streets;
  - (2) East to and including Sharp Street;
  - (3) West to and including Russell Street and Greene Street; and
  - (4) In response to any emergency, as defined in Article 27, § 594B(h)(1)(ii) of the Annotated Code of Maryland, along and in the immediate vicinity of the Central Light Rail Line leading to and from Oriole Park at Camden Yards.
- C. Members of the Maryland Transportation Authority Police acting under this Order shall remain under the administrative and operational control of the chief police officer of the Maryland Transportation Authority Police, who shall deploy officers in consultation with the chief police officer of the Mass Transit Administration Police Force and the Commissioner, Baltimore City Police Department.
- D. This Order shall expire on October 31, 1995.

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EXECUTIVE ORDER OF MAY 5, 1995

01.01.1995.12

Governor's Council on Management and Productivity: A Public-Private Enterprise

(Rescinds Executive Orders 01.01.1993.02, 01.01.1993.03  
and 01.01.1994.27)

WHEREAS, Maryland has experienced both increased demand for expanded public services and increased operational costs for existing programs and services;

WHEREAS, Maryland can no longer afford to conduct governmental business as usual and must assess current government policies and practices on a statewide basis;

WHEREAS, Elected officials and government managers must use every available management tool to improve productivity, accountability and responsiveness of State programs and services;

WHEREAS, Maryland's business community must be encouraged to provide innovative suggestions to improve Maryland's efficiency and cost effectiveness of government operations; and

WHEREAS, Maryland's State agencies must be encouraged to review government practices and generate ideas to improve quality or reduce the cost of operations.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1993.02, 01.01.1993.03 AND 01.01.1994.27 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There is a Governor's Council on Management and Productivity: A Public-Private Enterprise.
- B. Membership and Procedures.
  - (1) The Council shall consist of 13 members who shall be appointed by and serve at the pleasure of the Governor;
  - (2) The Governor shall appoint the chairperson from among the members of the Council;
  - (3) The members of the Council may not receive compensation for their services. Members may be reimbursed for their reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations as provided in law; and
  - (4) The Department of Budget and Fiscal Planning shall provide staff support and technical assistance to the Council.
- C. Duties of the Council. The Governor's Council on Management and Productivity: A Public-Private Enterprise shall:
  - (1) Solicit ideas, proposals and suggestions from the business community, non-profit organizations, government entities and Maryland citizens for innovative ways for the State to more efficiently manage its resources while maintaining quality programs and delivery of services;
  - (2) Review and evaluate the organizational structure and management practices of State government;
  - (3) Evaluate and recommend public-private partnership alternatives regarding the operation and management of State programs;

- (4) Evaluate and recommend public-private partnership alternatives regarding the operation, management and ownership of State real property assets;
  - (5) Examine government contracting policies and procedures; and
  - (6) Provide information on entrepreneurial government activities and offer procedural and implementation assistance.
- D. Information. All State agencies shall provide information as requested by the Council.
- E. Reports to the Governor. The Council shall provide an annual report to the Governor by August 30 on its activities and recommendations.

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**EXECUTIVE ORDER OF MAY 16, 1995**

01.01.1995.13

Judicial Nominating Commissions

(Amends Executive Order 01.01.1995.10)

WHEREAS, By Executive Order 01.01.1974.23, the Governor of the State of Maryland created the Judicial Nominating Commission System for the purpose of recommending to the Governor the names of persons for appointment to the appellate and trial courts of Maryland, and providing for the composition and general functions and procedures of the Judicial Nominating Commissions;

WHEREAS, The Executive Order has been revised eight times and has provided a system which is both effective and of material assistance in assuring the appointment of qualified persons in the Judiciary of Maryland;

WHEREAS, The interests of the people and the State of Maryland will be best served by the continued existence and application of the Judicial Nominating Commission System;

WHEREAS, By Executive Order 01.01.1995.06 and 01.01.1995.07 the Task Force on Judicial Nominating Commissions was created to make recommendations relating to the judicial nominating process to ensure that the selection and evaluation of judges is conducted fairly, based upon merit, experience and diversity;

WHEREAS, The Task Force reviewed the current Judicial Nominating Commission procedures and recommended changes that were incorporated in Executive Order 01.01.1995.10; and

WHEREAS, Several clarifying and technical changes to that Executive Order are necessary.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY

THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM  
THE FOLLOWING EXECUTIVE ORDER, AMENDING THE PROVISIONS  
OF EXECUTIVE ORDER 01.01.1995.10, EFFECTIVE IMMEDIATELY:

A. Definitions.

- (1) In this Executive Order the following words have the meanings indicated.
- (2) "Appellate Court" means the Court of Appeals of Maryland and the Court of Special Appeals of Maryland.
- (3) "Trial Court" means the District Court of Maryland and the Circuit Court of a county or Baltimore City.
- (4) "Secretariat" means the Administrative Office of the Courts.

B. Appellate Judicial Nominating Commission.

- (1) Creation and Composition. The Appellate Judicial Nominating Commission is created as part of the Executive Department. It consists of 17 persons chosen as follows:
  - (a) A [Chairman] CHAIRPERSON appointed by the Governor. The [Chairman] CHAIRPERSON may but need not be a lawyer, and shall be selected from the State at large. The [Chairman] CHAIRPERSON may not hold an office of profit or trust under the Constitution or laws of this State or an office in a political party or be a full-time employee of the State.
  - (b) Eight members appointed by the Governor and who shall be chosen as follows:
    - (i) One each shall be selected from the seven appellate judicial circuits. Each person shall be a resident and qualified voter in the circuit from which appointed;
    - (ii) One shall be a resident and qualified voter selected from the State at large;
    - (iii) Members appointed by the Governor may not be lawyers, hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be [a] full-time [employee] EMPLOYEES of the State; and
    - (iv) To the fullest extent possible, the composition of the members appointed by the Governor shall fairly and appropriately reflect the minority and female population of the area from which appointed.
  - (c) Eight members of the Maryland Bar who shall be selected as follows:

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- (i) One each shall be elected by the members of the Maryland Bar in each of the seven appellate judicial circuits. Each person shall be a qualified voter of the State, and shall reside or maintain a principal office for the practice of law in the appellate judicial circuit from which elected. These persons shall be elected by members of the Maryland Bar who are qualified voters of the State and who either reside or maintain their principal offices for the practice of law in the appropriate appellate judicial circuit;
  - (ii) One shall be appointed by the Governor, who shall be a resident and qualified voter of the State;
  - (iii) Members elected by the Maryland Bar may not hold offices of profit or trust under the Constitution or laws of the State or offices in any political party. Fair and appropriate consideration should be given to minority and female participation in the election process;
  - (iv) The elections in each circuit shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland;
  - (v) Candidates for all elected lawyer positions shall submit a petition signed by 15 lawyers;
  - (vi) The Governor will accept written recommendations from the leadership of bar associations regarding the appointed lawyer position; and
  - (vii) No more than one lawyer from the same firm or legal office may serve on the [same nominating commission] COMMISSION.
- (2) Vice [Chairman] CHAIRPERSON. The Commission, by vote of a majority of its full authorized membership, shall select from among the members a Vice [Chairman] CHAIRPERSON. The Vice [Chairman] CHAIRPERSON may perform any duty of the [Chairman] CHAIRPERSON during his/her absence, unavailability, or inability to act.
- (3) Terms. Terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election, and until their successors are duly chosen. However, if the Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participating fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period and another member shall be promptly selected.



- (4) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor, in accordance with Section B(1)(a) [or], (b), OR (C)(II). If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
  - (5) Ineligibility for Judicial Appointment. The Governor may not appoint a member of the Commission to a vacancy that occurs on an Appellate Court during the term for which the member was chosen.
  - (6) Number of Recommendations. The Commission shall submit to the Governor a list of not less than five nor more than seven nominees for each vacancy on an Appellate Court.
- C. Trial Courts Judicial Nominating Commissions.
- (1) Creation.
    - (a) The Trial [Court] COURTS Judicial Nominating Commissions are created as part of the Executive Department. For the purposes of operation and administration of the Commissions, the State shall be divided into Commission Districts as follows:
      - (i) Commission District 1 – Somerset, Wicomico, and Worcester Counties;
      - (ii) Commission District 2 – Cecil, Kent and Queen Anne's Counties;
      - (iii) Commission District 3 – Baltimore County;
      - (iv) Commission District 4 – Harford County;
      - (v) Commission District 5 – Allegany and Garrett Counties;
      - (vi) Commission District 6 – Washington County;
      - (vii) Commission District 7 – Anne Arundel County;
      - (viii) Commission District 8 – Carroll County;
      - (ix) Commission District 9 – Howard County;
      - (x) Commission District 10 – Frederick County;
      - (xi) Commission District 11 – Montgomery County;
      - (xii) Commission District 12 – Calvert and St. Mary's Counties;
      - (xiii) Commission District 13 – Prince George's County;

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- (xiv) Commission District 14 – Baltimore City;
  - (xv) Commission District 15 – Charles County; and
  - (xvi) Commission District 16 – Caroline, Dorchester, and Talbot Counties.
- (b) After April 28, 1995, if any county in a multi-county Commission District achieves a population of 100,000 or more as of July 1 of each quadrennial election year, based on the figures reported periodically by the Maryland Department of Health and Mental Hygiene, Division of Health Statistics, that county shall be entitled to be a separate Commission District and to have a separate Commission without further action by law or otherwise.
- (2) Composition. Each Commission shall consist of 13 persons chosen as follows:
- (a) A [Chairman] CHAIRPERSON appointed by the Governor. The [Chairman] CHAIRPERSON may but need not be a lawyer, but shall be a resident and qualified voter of the Commission District from which appointed. The [Chairman] CHAIRPERSON may not hold an office of profit or trust under the Constitution or laws of this State or an office in a political party or be a full-time employee of the State.
  - (b) Six members appointed by the Governor from among the residents and qualified voters of the Commission District. These persons may not be lawyers, hold [office] OFFICES of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State. If the Commission District contains more than one county, at least one person shall be appointed from each county in the Commission District, and the person shall be a resident and qualified voter of such county. To the fullest extent possible, the composition of the members appointed by the Governor shall fairly and appropriately reflect the minority and female population of the Commission District.
  - (c) Six members of the Maryland Bar as follows:
    - (i) Members shall be qualified voters in the State and maintain their principal offices for the practice of law in the Commission District. These persons may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party. At least two members shall be residents of the Commission District.
    - (ii) Four of the six shall be elected by the members of the Maryland Bar and shall be qualified voters in the State who maintain their principal offices for the practice of law in the

Commission District. In each multi-county Commission District, there shall be at least one member who maintains a principal office for the practice of law in each county for which there may exist a nominee. Fair and appropriate consideration should be given to minority and female participation in the election process. The election shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland. Candidates for all elected lawyer positions shall submit a petition signed by 15 lawyers.

- (iii) Two of the six shall be appointed by the Governor. The Governor will accept written recommendations from the leadership of Bar Associations regarding the appointed lawyer positions. The Governor will consider the need for greater diversity of experience, gender and race.

**(D) NO MORE THAN ONE LAWYER FROM THE SAME FIRM OR LEGAL OFFICE MAY SERVE ON THE SAME NOMINATING COMMISSION.**

- (3) Terms. The terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election and until their successors are duly chosen. However, if the Commission meets not less than twice in any 12 month period and a Commission member who is not disqualified from participation fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period, and another member shall promptly be selected.
- (4) Vacancies. If a vacancy occurs on a Commission by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor in accordance with Section C(2). If the vacancy occurs by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
- (5) Ineligibility for Judicial Appointment. The Governor may not appoint a member of these Commissions to a vacancy that occurs on a Trial Court during the term for which the member was chosen.
- (6) Number of Recommendations. A Commission shall submit to the Governor a list of not more than seven names for each judicial vacancy on a Trial Court within its Commission District. The Commission shall

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submit a minimum number of names so that the number of nominees for each vacancy, including any eligible nominee on a list previously submitted as provided by Section G(2), is no less than the number specified in the following table:

Number of Lawyers Contributing to [Client's] CLIENTS' Security Trust Fund in the County	Minimum Number of Nominees Per Vacancy
(a) More than 750	5
(b) 201-750	4
(c) 31-200	3
(d) 30 or less	2

D. Recommending Less than Minimum Number.

- (1) A Commission may recommend less than the minimum number of nominees required by Section B[(5)] (6) and C(6) under the following conditions:
  - (a) If multiple vacancies exist for which recommendations must be made, a Commission may submit a list containing the required minimum number of nominees for one vacancy plus two additional names for each vacancy in excess of one; or
  - (b) If it concludes that there is less than the required minimum number of persons willing to accept appointment who are legally and fully professionally qualified. However, a Commission shall obtain the prior approval of the Governor in order to recommend fewer than four names under Section B[(5)] (6) or fewer than three names under section C(6)(a) or (b) or fewer than 2 names under C(6)(c).
- (2) If any person recommended for appointment is unwilling to accept appointment, or is disqualified, or is otherwise unavailable for appointment, a Commission may, upon request of the Governor, submit an additional nominee if needed to increase the list to the prescribed minimum number of names.
- (3) If the position to be filled is then held by an incumbent judge who is eligible for and desires reappointment, the Commission, with the prior approval of the Governor, may submit a list containing less than the prescribed minimum number of names.

E. Commission Procedures.

- (1) Each Commission shall operate under procedures specified in rules adopted by the Chief Judge of the Court of Appeals of Maryland consistent with this Executive Order. The Secretariat and the Governor shall provide for the training of Commission members in effectively evaluating judicial candidates and in screening for sensitivity to diversity issues.
- (2) Upon notification by the Secretariat that a vacancy exists or is about to occur in a judicial office for which a Commission is to make nominations, the Commission shall seek and review applications of proposed nominees for the judicial office. Application shall be made on the form prescribed by the Secretariat. The Commission shall notify the Maryland State Bar Association, Inc. and other appropriate bar associations of the vacancy and shall request recommendations from them. The Commission may also seek recommendations from interested citizens and from among its own members.
- (3) The Commission shall evaluate each proposed nominee. In the course of its evaluation, the Commission may seek information beyond that contained in the personal data questionnaire submitted by a candidate. The Commission may obtain pertinent information from knowledgeable persons known to Commission members, the Attorney Grievance Commission, judges, personal references given by the candidate, criminal justice agencies, or other sources. The Commission shall place notices in at least one newspaper read by members of the general public inviting written and signed comments to the Commission regarding the named applicants for judicial appointment. A criminal justice agency, including the Central Repository, may release criminal history record information, including conviction and nonconviction data, to a Commission upon request of its chairman, for the purpose of evaluating a candidate.
- (4) No fewer than 10 members shall be present at a voting session of a trial court judicial nominating commission. No fewer than 11 members shall be present at a voting session of the Appellate Judicial Nominating Commission.
- (5) The Commission shall select and nominate to the Governor persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The Commissions shall evaluate the extent to which candidates have the following qualifications for judicial office[:]; integrity, maturity, health, if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. Commission members shall be sensitive to gender and diversity issues in the evaluation of judicial candidates. No person's name may be submitted unless the person has been found legally and most fully professionally qualified by a vote of a majority of the members present at

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a voting session, as taken by secret ballot, and unless the person has been interviewed by the Commission. The secret ballots shall be sealed and delivered to the Secretariat and may be opened only by demand of the Governor or by court order.

- (6) The Commission shall report in writing to the Governor the names of the persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The names of persons shall be listed in alphabetical order. The report shall be submitted within 85 days following notification by the Secretariat that a vacancy exists or is about to occur. The Commission shall release its report to the public concurrently with submission of its report to the Governor.
  - (7) Each Commission shall, through the Secretariat, distribute informational and educational materials concerning judicial vacancies and the functions of the Commission in order to inform the public of the judicial selection process of the State.
- F. Confidentiality. The name of an individual who submits a personal data questionnaire to a Commission may not be made public by the Commission until after the closing date for the submission of questionnaires. The Secretariat may submit the names of those individuals to a bar association, on receiving satisfactory assurances that no committee or officer of the bar association will release or permit the release to the public of any ranking of the individuals by, or the results of any ballots returned from the members of, the bar association. Personal data questionnaire submitted to a Commission is confidential and may not be released by anyone other than the applicant, except that the Secretariat shall forward to the Governor the personal data questionnaires of those individuals actually nominated to the Governor by a Commission. The evaluation of candidates by a [commission] COMMISSION, including interviews, deliberations and voting, is confidential and may not be disclosed to anyone OTHER THAN THE GOVERNOR.
- G. Appointment.
- (1) The Governor shall fill a judicial vacancy by selecting a person from the list of nominees submitted by the appropriate Commission.
  - (2) With respect to any judicial vacancy, the Governor may also fill the most recent judicial vacancy by selecting a person from any list previously submitted by the appropriate Commission for a judicial vacancy on the same court for which the current list is submitted, if the previous list was submitted within a 12-month period of the occurrence of the most recent vacancy and information on the nominees is updated.
- H. Effective Date. For purposes of the election and appointment of individuals to serve on the Appellate and Trial Court Judicial Nominating Commissions, this Executive Order is effective immediately. [Notwithstanding the provisions of

B(3) and C(3) of this Order, existing judicial nominating commissions are hereby terminated and seventeen new judicial nominating commissions are created in accordance with the provisions of this Order.]

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**EXECUTIVE ORDER OF MAY 26, 1995**

01.01.1995.14

Governor's Task Force on Public Works and Service Contract Wages

WHEREAS, Working Marylanders are entitled to earn wages that enable them to support themselves and their families;

WHEREAS, The effect of the State's contracting effort for public work and service should provide a wage that affords these citizens both the incentive to work and a quality of life that fosters a good work ethic, reliability, and life skill components; and

WHEREAS, An environment which encourages employers to provide training and education can help workers better support their families.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Governor's Task Force on Public Works and Service Contract Wages.

B. Membership.

(1) The Task Force shall be appointed by the Governor and shall consist of eight members representing:

- (a) the Maryland Industrial Areas Foundation;
- (b) the Solidarity Sponsoring Committee;
- (c) the Department of Budget and Fiscal Planning;
- (d) the Department of Business and Employment Development;
- (e) the Department of General Services;
- (f) the Department of Labor, Licensing and Regulation;
- (g) Baltimoreans United in Leadership Development (BUILD);
- (h) An economist who can assess the economic impact of current practices and proposed solutions; and

(2) The Task Force shall be staffed by the Department of Budget and Fiscal Planning.

- C. The purpose of the Task Force shall be to study the wages and benefits paid by State contractors and to make recommendations to the Governor regarding those subjects.
- D. The Task Force shall:
  - (1) Examine public works and service contracting done by the State of Maryland;
  - (2) Survey the wages and benefits paid by the contractors performing the contracts included in paragraph (1) of this Section; and
  - (3) Suggest affordable ways to ensure that the workers performing these contracts are paid wages that adequately support themselves and their families.
- E. The Task Force shall present its recommendations to the Governor within 180 days.

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**EXECUTIVE ORDER JUNE 9, 1995**

01.01.1995.15

**Task Force to Reform the State Personnel Management System**

WHEREAS, Maryland is committed to improving the efficiency of State government and the quality of services provided its citizens;

WHEREAS, Effective human resources management is essential to improving the quality of State services;

WHEREAS, The current State personnel management system has been in existence since 1920 when the mission of State government was much different; and

WHEREAS, Maryland needs a personnel management system that is more flexible, decentralizes personnel management functions, simplifies and streamlines personnel procedures and provides for the consistent application of personnel policies throughout a diverse State government.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There shall be a Governor's Task Force to Reform the State Personnel Management System.
- B. Membership and Procedures.
  - (1) The Task Force shall consist of 19 members appointed by the Governor, including the following persons:



- (a) The Secretary of the Department of Personnel;
  - (b) The Secretary of the Department of Labor, Licensing and Regulation, or the Secretary's designee;
  - (c) The Secretary of the Department of Budget and Fiscal Planning, or the Secretary's designee;
  - (d) The Secretary of the Department of Human Resources, or the Secretary's designee;
  - (e) The Secretary of the Department of Public Safety and Correctional Services, or the Secretary's designee;
  - (f) Three members of the Senate of Maryland designated by the President;
  - (g) Three members of the Maryland House of Delegates designated by the Speaker;
  - (h) Four representatives of State employees; and
  - (i) Four members of the general public knowledgeable of modern human resource management practices.
- (2) The Secretary of the Department of Personnel shall be the Chair of the Task Force.
  - (3) In the event of a vacancy on the Task Force, the Governor may appoint a successor.
  - (4) The Governor may remove any member of the Task Force for any cause adversely affecting the member's ability or willingness to perform his or her duties.
  - (5) A majority of the Task Force shall constitute a quorum for the transaction of any business. The Task Force may adopt any other rules or procedures necessary to ensure the orderly conduct of business.
  - (6) The Chair of the Task Force shall appoint a Vice Chair and may appoint subcommittees of the Task Force as necessary to complete the work of the Task Force.
  - (7) The members of the Task Force may not receive any compensation for their services. The public members may be reimbursed for their reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations and as provided in the State budget.
  - (8) The Department of Personnel, and other agencies as necessary, shall provide the Task Force with necessary staff and resources.
- C. Scope of the Task Force.

## EXECUTIVE ORDERS

- (1) The Task Force shall conduct a comprehensive review of the Maryland State Personnel Management System contained in Division I of the State Personnel and Pensions Article to determine necessary and appropriate revisions to that law.
- (2) The Task Force shall have as its ultimate objective the creation of a modern human resources management system which streamlines and simplifies the State's personnel policies and provides for the consistent application of human resources management principles throughout the Executive Branch of State government.
- (3) The Task Force shall submit a preliminary report containing its findings, recommendations, and any proposed legislation to the Governor by November 1, 1995, and a final report that incorporates any findings, recommendations and proposed legislation pertaining to Division I of the State Personnel and Pensions Article by December 1, 1995.

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**EXECUTIVE ORDER OF JULY 13, 1995**

01.01.1995.16

Aggregates Mining Advisory Council

WHEREAS, The extraction of aggregates by mining is important to the economic well-being of the State;

WHEREAS, The availability of aggregates for future use is of vital importance to the citizens of the State;

WHEREAS, Mining activities can be conducted in a manner that limits its effects on the environment and our natural resources;

WHEREAS, Under Chapter 488, Laws of 1995, the regulation of the extraction of minerals in Maryland will be transferred from the Department of Natural Resources to the Department of the Environment;

WHEREAS, Advice from the aggregate industry is valuable to the Secretary of the Department of the Environment during the transfer of mining regulatory activities to the Department, and will assist in the development of an efficient and responsible organization that will promote wise utilization of the State's aggregate resources while protecting the environment.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is an Aggregates Mining Advisory Council.

- B. The Council shall provide guidance and advice to the Secretary of the Department of the Environment on regulatory matters relating to the mining of aggregates; including the development of an efficient and responsive permitting and enforcement process which recognizes the mining of aggregates as an important economic activity.
- C. The Council shall consist of the following six members appointed by the Governor:
  - (1) Three representatives of the aggregates mining industry designated by The Maryland Aggregates Association;
  - (2) One representative of the Maryland Association of Counties;
  - (3) One representative of the Maryland Association of Soil Conservation Districts; and
  - (4) The Secretary of the Department of Business and Economic Development or the Secretary's designee.
- D. The Governor shall designate the Chair of the Council from among the representatives of The Maryland Aggregates Association.
- E. The Council shall meet with the Secretary of the Department of the Environment at least quarterly and at other times at the discretion of the Secretary.

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**EXECUTIVE ORDER JULY 14, 1995**

01.01.1995.17

Governor's Commission on the Thurgood Marshall Memorial Statue

(Amends Executive Order 01.01.1994.13)

WHEREAS, The Governor's Commission on the Thurgood Marshall Memorial Statue was created by Executive Order 01.01.1994.13 on May 17, 1994 to develop and implement a process to create a memorial statue of Thurgood Marshall on the State House grounds;

WHEREAS, The Commission has developed a plan and capital program to support a capital budget appropriation for construction and installation of the statue, and initiated a design competition for the statue and associated improvements;

WHEREAS, The General Assembly in its 1995 Session included \$250,000 in the Fiscal Year 1996 capital budget to provide funds for construction of the statue; and

WHEREAS, It is appropriate to extend the time for completion of the duties of the Commission from June 30, 1995 to December 31, 1996, in order for the Commission to oversee the completion of the statue.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE

## EXECUTIVE ORDERS

OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Commission on the Thurgood Marshall Memorial Statue.
- B. Membership.
  - 1. The Commission shall consist of up to seven members appointed by the Governor, including persons whose training, expertise, or special interest will benefit the purposes of the Commission.
  - 2. The Governor shall designate a Chairperson from among the members of the Commission.
  - 3. The Governor may remove any member of the Commission for any cause adversely affecting the member's ability or willingness to perform the member's duties.
  - 4. In the event of a vacancy on the Commission, the Governor shall appoint a successor for the remainder of the life of the Commission.
- C. Scope: The Commission is hereby charged with the following duties:
  - 1. Develop and implement a process to create a memorial statue of Thurgood Marshall to be placed at an appropriate site on the State House grounds, including an examination of the feasibility of the project, site planning, design competition, execution and installation;
  - 2. Advise the Governor, State agencies, and the General Assembly on matters relating to the proposed memorial statue;
  - 3. As soon as prudent and feasible, but no later than January 1, 1995, develop a plan and capital program sufficient to support a capital budget appropriation for construction and installation of the memorial statue and its associated improvements;
  - 4. Perform other duties or actions necessary to advance realization of the Thurgood Marshall Memorial Statue; and
  - 5. Complete all of its duties by [June 30, 1995] DECEMBER 31, 1996.
- D. Principal staff support for the Commission shall be provided by the Division of Historical and Cultural Programs of the Department of Housing and Community Development in consultation with other appropriate agencies, including the State House Trust, the Maryland Arts Council, the Commission on African American History and Culture, and the Department of General Services. Other agencies shall assist when requested by the Commission.
- E. Procedures.

1. The Commission shall meet at times and places to be determined by the members.
  2. The Commission may appoint subcommittees from within or without its members to address specific tasks relating to the planning and implementation of the project.
  3. A majority of the Commission shall constitute a quorum for the transaction of any Commission business. In any subcommittee, a majority shall constitute a quorum for the transaction of any subcommittee business.
  4. The Commission may adopt such other procedures and bylaws necessary to ensure the orderly transaction of business.
- F. Commission Expenses: The members may be reimbursed for their reasonable expenses incurred in the performance of duties.
- G. State agencies shall consider when undertaking permitting, licensing, planning, funding and construction actions, the impact of those actions on the proposed project.

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**EXECUTIVE ORDER JULY 17, 1995**

01.01.1995.18

Governor's Office of Crime Control and Prevention

(Rescinds Executive Orders 01.01.1991.31  
01.01.1992.08, 01.01.1993.31, 01.01.1994.21)

WHEREAS, The enhancement of public safety and the prevention of crime and substance abuse are of the utmost concern to the citizens of Maryland;

WHEREAS, The State can best address these concerns through maximum coordination, collaboration, and cooperation among the relevant agencies of State government;

WHEREAS, The functions of the criminal justice process must be coordinated more efficiently and effectively, particularly with respect to applications for and the administration of federal and other funds which are available to address public safety and substance abuse issues;

WHEREAS, The full and effective use of resources affecting State and local criminal justice systems requires the cooperation of federal, State and local government agencies;

WHEREAS, Crime and delinquency are complex social phenomena requiring the attention and efforts of the criminal and juvenile justice systems, State and local governments, communities and private citizens; and

WHEREAS, The establishment of appropriate goals, priorities and standards for the

reduction and prevention of crime, delinquency, and substance abuse is critical to the long term enhancement of public safety;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1991.31, THE GOVERNOR'S DRUG AND ALCOHOL ABUSE COMMISSION; 01.01.1992.08, THE GOVERNOR'S YOUTH DRUG AND ALCOHOL ABUSE COMMISSION; 01.01.1993.31, THE GOVERNOR'S COUNCIL ON SUBSTANCE ABUSE, TUBERCULOSIS AND AIDS; AND 01.01.1994.21, GOVERNOR'S OFFICE OF JUSTICE ADMINISTRATION; AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Creation, Organization and Administration.

- (1) There is a Governor's Office of Crime Control and Prevention, an independent unit within the Executive Department.
- (2) The head of the Office is the Executive Director. The Executive Director is responsible for the daily operation and administration of the Office. The Executive Director shall be appointed by and serve at the pleasure of the Governor or his designee.
- (3) The Executive Director shall serve on the State Board of Victim Services, as established by Section 9-1704 of the State Government Article.
- (4) The Executive Director shall serve on the Criminal Justice Information System (CJIS) Advisory Board, as established by Article 27, Section 744.
- (5) There is within the Governor's Office of Crime Control and Prevention the Juvenile Justice Advisory Council (JJAC), which is the State Advisory Group on juvenile justice issues as mandated by the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended. A member of the Juvenile Justice Advisory Council may not receive any compensation for participation but may be reimbursed for expenses incurred, as reasonable, in the performance of certain duties in accordance with the standard travel regulations, and as provided in the State budget.
- (6) There is within the Governor's Office of Crime Control and Prevention the State Board of Victim Services, which is authorized by Section 9-1703 of the State Government Article. A member of the State Board of Victim Services may not receive any compensation for participation, but may be reimbursed for expenses incurred, as reasonable, in the performance of certain duties in accordance with the standard travel regulations, and as provided in the State budget.

B. Duties and Responsibilities. The Office of Crime Control and Prevention shall:

- (1) Advise and assist the Executive Department and the Cabinet Council on Criminal and Juvenile Justice, established by Executive Order 01.01.1995.03, in developing legislation, policies, plans, programs, and budgets relating to:
  - (a) The reduction and prevention of crime, violence, delinquency, and substance abuse;
  - (b) The improvement of the administration of justice; and
  - (c) Other public safety issues impacting State agencies, local governments, and communities;
- (2) Provide the primary staff support to the Cabinet Council on Criminal and Juvenile Justice;
- (3) Prepare and submit to the Governor an annual comprehensive State crime control and prevention plan;
- (4) Apply for, obtain, and allocate federal or other funds which may be made available for programs and projects that address the goals, priorities, and standards established in the comprehensive State crime control and prevention plan, and for local and regional comprehensive public safety planning efforts, or to assist those efforts;
- (5) Render technical assistance to State agencies, local governments, private nonprofit organizations and communities seeking to address those matters cited in Section B(1);
- (6) Administer all funds in compliance with fiscal administrative and programmatic requirements of the funding sources in such a manner as to ensure that grants do not supplant local funds;
- (7) Serve as a clearinghouse for information, research, analysis, and other materials relating to the matters cited in Section B(1), including such data as is necessary to evaluate the performance of public safety and substance abuse programs and to increase public awareness of public safety and substance abuse issues;
- (8) Monitor, evaluate, and audit programs and projects funded by the Office, pursuant to provisions of enabling State and federal legislation where appropriate;
- (9) Pursue sources of new and alternative funding available for the matters cited in Section B(1) and provide assistance to State agencies, local governments, and communities in obtaining such funding;

## EXECUTIVE ORDERS

- (10) Perform such other duties and functions as may, from time to time, be appropriate and necessary for the Office to address and implement the provisions of this Executive Order;
  - (11) Ensure the proper administration of funds to which the State is entitled under:
    - (a) The federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, Part E, Drug Control and System Improvement Grant Programs (Byrne Memorial grants);
    - (b) The federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended;
    - (c) The federal Violence Against Women Act (VAWA), as enacted by Title IV of the Violent Crime Control and Law Enforcement Act of 1994;
    - (d) The federal Police Corps Act and the Law Enforcement Scholarships and Recruitment Act, as enacted by Title XX, Subtitles (A) and (B), of the Violent Crime Control and Law Enforcement Act of 1994;
    - (e) The Governor's portion of the federal Safe and Drug-Free Schools and Communities Act of 1986, as amended; and
  - (12) Ensure the proper administration of the Maryland Victims of Crime Fund under Maryland Article 27, Section 764;
  - (13) Ensure the proper administration of other public safety and substance abuse funds, from federal, State or private sources, as may be assigned by the Governor.
- C. Fiscal Resources. Expenses of the Office shall be met through:
- (1) Operating budgets of the Executive Department and, as necessary and appropriate, other departments and agencies;
  - (2) Any federal funds or special State funds available for the purpose of administering federal grant programs.
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**EXECUTIVE ORDER JULY 17, 1995**

01.01.1995.19

Code of Fair Employment Practices

(Rescinds Executive Orders 01.01.1993.16 and 01.01.1980.16)

WHEREAS, The State of Maryland recognizes and honors the value and dignity of every employee and understands the importance of providing its employees with a fair opportunity to pursue their careers in an environment free of discrimination or any form of prohibited harassment;

WHEREAS, Title 3, Subtitle 4 of the State Personnel and Pensions Article establishes an Equal Employment Opportunity program to ensure that employment decisions are based only on merit and fitness;

WHEREAS, The State has an obligation to provide a work environment free from discrimination on the basis of age, ancestry, color, creed, marital status, mental or physical disability, national origin, religious affiliation, belief or opinion, race, sex, sexual orientation, or any other nonmerit factor; and

WHEREAS, Employment discrimination by State managers, supervisors, or employees will not be tolerated. All State appointing authorities and managers are expected to assume personal responsibility and leadership in ensuring fair employment practices are adhered to and that equal employment opportunity is a reality in Maryland State government.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY RESCIND EXECUTIVE ORDERS 01.01.1993.16 AND 01.01.1980.16 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY.

**Article I – Equal Employment Opportunity Program  
in State Government**

A. All personnel actions concerning any employee or applicant for employment in the Executive Branch will be taken on the basis of merit and fitness, and without regard to:

- (1) age;
- (2) ancestry;
- (3) color;
- (4) creed;
- (5) marital status;
- (6) mental or physical disability;

## EXECUTIVE ORDERS

- (7) national origin;
  - (8) race;
  - (9) religious affiliation, belief or opinion;
  - (10) sex, or
  - (11) sexual orientation.
- B. All personnel actions concerning any classified employee or applicant for employment in the classified service shall be without regard to political affiliation, belief or opinion.
- C. The harassment of employees on the basis of any reason prohibited by law is not permitted.
- D. The Secretary of Personnel shall:
- (1) appoint an Equal Employment Opportunity Coordinator who shall administer the program and coordinate the activities of the agency Fair Practices Officers;
  - (2) establish an Employee Relations Unit which will report directly to the Equal Employment Opportunity Coordinator to oversee the administration of an equal employment practices program consistent with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order;
  - (3) assess the cost of administering the program to agencies on a basis of pro-rata use of the services of the Employee Relations Unit;
  - (4) upon an appropriate showing by an agency, and consistent with State and federal law, permit any bona fide occupational qualification; and
  - (5) take any action, not inconsistent with federal or State law, to resolve employee complaints of unfair employment practices.
- E. The head of each department or other independent unit in the Executive Branch shall, consistent with guidelines and regulations promulgated by the Secretary of Personnel:
- (1) ensure that the personnel practices in the department or unit are not discriminatory;
  - (2) review disciplinary actions initiated against employees, employee grievances and complaints of discrimination to ensure the fair and equitable treatment of employees in their department or unit;

- (3) develop and implement policies that promote equal employment opportunity and work force diversification reflective of the availability of women, minorities and persons with disabilities in the relevant labor market;
  - (4) provide leadership and training to managers, supervisors and other employees in fair employment practices;
  - (5) appoint a Fair Practices Officer, and any Equal Employment Opportunity Officers as required, for the appropriate implementation of the Equal Employment Opportunity Program in the department or unit;
  - (6) ensure that designated Fair Practices and Equal Employment Opportunity Officers are known to all employees in their respective agencies and that these Officers have appropriate decision-making authority consistent with relevant federal and State law, this Executive Order, and personnel regulations;
  - (7) consult and cooperate fully with the Secretary of Personnel in investigating and resolving expeditiously complaints of discrimination or unfair employment practices;
  - (8) provide statistical and other information requested by the Secretary of Personnel regarding efforts to implement the department's or unit's Equal Employment Opportunity Program; and
  - (9) implement any decision of the Secretary of Personnel not inconsistent with the spirit or requirements of this Executive Order and federal or State law.
- F. Cabinet officials and other heads of departments or units are expected to lead by example in promoting fair employment practices and this Administration's policy of zero tolerance for employment discrimination.

**Article II – Complaints of Discrimination  
and Unfair Employment Practices**

- A. It is the policy of this Administration that all complaints of discrimination or other unfair employment practices be thoroughly investigated and promptly resolved, as appropriate.
- B. The Secretary of Personnel shall develop and promulgate rules, regulations, and guidelines for the investigation and resolution of complaints of discrimination or other unfair employment practices which shall include, at a minimum:
- (1) provisions for resolving complaints informally whenever possible;
  - (2) provisions for employees to file complaints with the Fair Practices or Equal Employment Opportunity Officer for the department or unit;

## EXECUTIVE ORDERS

- (3) provisions for the review and resolution of any employment grievance, complaint involving discrimination or other unfair employment practices by the Secretary of Personnel or the Secretary's designee prior to any appeal to the Office of Administrative Hearings;
  - (4) guidelines for cooperation with the investigation of any complaint of discrimination filed with the Maryland Commission on Human Relations, the Equal Employment Opportunity Commission or any other agency authorized by law to conduct such investigations; and
  - (5) training programs for managers and supervisors in identifying and resolving complaints of discrimination or other unfair employment practices.
- C. No employee shall be harassed or otherwise retaliated against for filing a complaint of discrimination or other unfair employment practice, providing information in support of any such complaint or testifying, assisting or participating in any phase of an investigation of any unfair employment practice.

**Article III – Cooperation with the Maryland Commission on Human Relations and Equal Employment Opportunity Commission**

- A. In accordance with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order, all heads of departments and units in the Executive Branch shall cooperate fully with the Maryland Commission on Human Relations, the Equal Employment Opportunity Commission and any other federal or State agency investigating discrimination and duly comply with any validly adopted rules, regulations, and orders for effectuating the State's policies against discrimination and resolving complaints of discrimination.
- B. Every attempt shall be made to resolve complaints of discrimination within a department or unit; however, employees who file complaints of discrimination with agency Fair Practices officers or Equal Employment Opportunity officers shall be advised of their right to file a complaint with the Maryland Commission on Human Relations and the Equal Employment Opportunity Commission.
- C. The Secretary of Personnel shall establish guidelines which provide for agency participation in mediation or arbitration of employee complaints of unfair employment practices.
- D. If an employee of the Maryland Commission on Human Relations files a complaint of discrimination against a State agency, the Governor shall appoint an individual to perform the functions usually performed by the Commission.

**Article IV – State Action**

- A. Any employee of the State who violates the laws of this State pertaining to equal employment opportunity, this Executive Order or guidelines, rules and regulations promulgated pursuant thereto, will be subject to disciplinary action, up to and including dismissal from employment with the State.
- B. In performing services to the public, employees of this State will not discriminate against the public or individuals for any reason prohibited by law, nor shall they authorize the use of State facilities in the furtherance of any unlawfully discriminatory purpose or by any organization which unlawfully discriminates in its membership or policies.

**Article V – Accommodations**

- A. Reasonable accommodation shall be provided for all qualified applicants for employment and State employees with disabilities, consistent with the requirements of federal and State law.
- B. Meetings, hearings and employment tests shall be conducted in an accessible manner and location, as required by federal and State law.

**Article VI – Annual Reports**

- A. The head of each principal department or unit in the Executive Branch shall, by October 15 of each year, submit to the Secretary of Personnel an annual report of activities taken in the previous fiscal year to effectuate this Code of Fair Employment Practices. The report shall contain the information required by the Secretary of Personnel, in a form consistent with the guidelines issued by the Secretary of Personnel.
- B. The Secretary of Personnel shall, by January 1 of each year, submit to the Governor an annual report on statewide equal employment opportunity practices. The Secretary shall provide copies of the report to each department and unit, the General Assembly, and the Maryland Commission on Human Relations.

**Article VII – Notice to Employees**

- A. The Secretary of Personnel shall publish the policies of this State with regard to its fair employment practices and make copies of the publication available to all agencies.
- B. Consistent with the requirements of federal and State law, the Secretary shall authorize an appropriate notice of State fair employment practices and the manner in which the notice is to be posted.
- C. The heads of departments and units shall procure the publication and notice required by this Executive Order, furnish copies of the publication to all managers and supervisors and make it available to employees, and post the notice in the locations and manner required by the Secretary of Personnel.

1995.20

EXECUTIVE ORDERS

**EXECUTIVE ORDER OF JULY 19, 1995**

01.01.1995.20

Potomac River Fisheries Commission

WHEREAS, Chapter 589 of the Acts of the General Assembly of 1994 amended Section 4-306 of the Natural Resources Article of the Annotated Code of Maryland for the purpose of altering the membership, appointment, and quorum requirements of the Potomac River Fisheries Commission;

WHEREAS, Chapter 589 provided further that "This Act may not take effect until a similar Act is passed by the Commonwealth of Virginia; that the Commonwealth of Virginia is requested to concur in this Act of the General Assembly of Maryland by the passage of a similar Act; and that upon that event the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective"; and

WHEREAS, The General Assembly of Virginia, pursuant to Chapter 257 of the Acts of Assembly of 1995 amended Section 28.2-1001 of the Code of Virginia, effective July 1, 1995 and this amendment similarly authorizes the Potomac River Fisheries Commission to alter its membership, appointment, and quorum requirements;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, PURSUANT TO THE AUTHORITY VESTED IN ME BY CHAPTER 589 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1994, HEREBY PROCLAIM THAT CHAPTER 589, AS CODIFIED IN SECTION 4-306 OF THE NATURAL RESOURCES ARTICLE, IS VALID AND EFFECTIVE.

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**EXECUTIVE ORDER JULY 28, 1995**

01.01.1995.21

Transfer of Project Independence JOBS Program

(Rescinds Executive Order 01.01.1989.09)

WHEREAS, The State of Maryland Department of Human Resources has been designated by the United States as the granting agency for the Family Support Act, 42 U.S.C. Section 601 et seq., including the JOBS Program, and as the implementing agency for the Food Security Act of 1985, 7 U.S.C. Section 2001 et seq., including the Food Stamp Employment and Training Program;

WHEREAS, The Department of Human Resources is authorized by Article 88A, Sections 44A to 58 of the Annotated Code of Maryland, to administer the Aid to Families with Dependent Children Program, including the JOBS Program, and is authorized by Article 88A, Section 88 of the Code, to administer the Food Stamp Program;

WHEREAS, Pursuant to Executive Order 01.01.1989.09 and cooperative agreements between the Secretary of Economic and Employment Development and the

Secretary of Human Resources, certain functions of the JOBS Program and the Food Stamp Employment and Training Program have been administered by the Department of Economic and Employment Development, while the Department of Human Resources has directly administered other functions of these programs, and has retained overall supervision of the administration of these programs;

WHEREAS, It is desirable that administration of all aspects of the JOBS Program and the Food Stamp Employment and Training Program be consolidated in the Department of Human Resources; and

WHEREAS, The Governor is authorized under Article II, Section 24 of the Maryland Constitution and Section 8-301 of the State Government Article to order, not inconsistent with law, the reallocation of functions, powers, and duties among the departments, offices, agencies, and instrumentalities of the Executive Branch as he may deem necessary and desirable;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1989.09, EFFECTIVE IMMEDIATELY.

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**EXECUTIVE ORDER JULY 28, 1995**

01.01.1995.22

Governor's Commission on Adoption

WHEREAS, Maryland has over 5,000 children in foster care placements with more than 450 of them legally free for adoption;

WHEREAS, Maryland must remove the barriers to adoption and provide aggressive solutions to streamline systems and untangle the legal process for Maryland children in foster care;

WHEREAS, Maryland must use every available resource to reduce the foster care caseload and move children waiting for adoption to stable, nurturing, permanent homes; and

WHEREAS, Maryland's State agencies must use a collaborative, cooperative and coordinated approach to review the current practice and to improve the adoption process.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

- A. There is a Governor's Commission on Adoption.
- B. Membership and Procedures.

## EXECUTIVE ORDERS

1. The Commission shall consist of 15 members, including:
  - (a) The Secretary of the Department of Human Resources or the Secretary's designee;
  - (b) The Special Secretary for Children, Youth and Families or the Special Secretary's designee;
  - (c) The Attorney General or the Attorney General's designee;
  - (d) Two members of the Senate appointed by the President of the Senate;
  - (e) Two members of the House of Delegates appointed by the Speaker of the House;
  - (f) Eight members appointed by the Governor to serve at his pleasure, and who shall include:
    - (i) A director of a local Department of Social Services;
    - (ii) A representative of the courts; and
    - (iii) Individuals with knowledge, experience and interest in adoption matters, including adoptive and foster parents, private adoption attorneys, and adoption advocacy groups.
- (2) The Governor shall appoint the chairperson from among the members of the Commission.
- (3) The members of the Commission may not receive compensation for their services. Members may be reimbursed for their reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations as provided in the State budget.
- (4) The Department of Human Resources shall provide staff support and technical assistance to the Commission.
- C. Duties of the Commission. The Governor's Commission on Adoption shall:
  - (1) Review and provide information on existing laws, policies, practices and studies regarding the barriers to adoption in Maryland and develop short and long term recommendations to improve the system;
  - (2) Review, evaluate and recommend options to improve permanency planning practices including, but not limited to, adoption monitoring systems, recruitment campaigns, case protocols and guidelines, reimbursement systems, improved court processes, and identify additional funding sources; and
  - (3) Evaluate and recommend public-private partnership alternatives relating to improving the adoption system.



- D. Information. Appropriate State agencies shall provide information as requested by the Commission.
- E. Report to the Governor. The Commission shall submit a final report and recommendations to the Governor on or before January 1, 1996.

**EXECUTIVE ORDER OF SEPTEMBER 22, 1995**

01.01.1995.23

Governor's Council on Management and Productivity: A Public-Private Enterprise

(Amends Executive Order 01.01.1995.12)

WHEREAS, The Governor's Council on Management and Productivity: A Public-Private Enterprise was established on May 5, 1995 by Executive Order 01.01.1995.12; and

WHEREAS, It is deemed beneficial to increase the membership on the Council to include representatives from the legislative and judicial branches and additional representatives from the business community and general public;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, AMENDING THE PROVISIONS OF EXECUTIVE ORDER 01.01.1995.12, EFFECTIVE IMMEDIATELY:

A. Established. There is a Governor's Council on Management and Productivity: A Public-Private Enterprise.

B. Membership and Procedures.

(1) The Council shall consist of:

(A) THIRTEEN INDIVIDUALS [13 members] who shall be appointed by and serve at the pleasure of the Governor;

(B) TWO MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE PRESIDENT OF THE SENATE;

(C) TWO MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE;

(D) TWO REPRESENTATIVES OF THE JUDICIAL BRANCH APPOINTED BY THE CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS;

(E) TWO REPRESENTATIVES OF THE BUSINESS COMMUNITY:

(I) ONE APPOINTED BY THE PRESIDENT OF THE SENATE OF MARYLAND; AND

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- (II) ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND
- (F) FOUR REPRESENTATIVES FROM THE GENERAL PUBLIC:
  - (I) TWO APPOINTED BY THE PRESIDENT OF THE SENATE OF MARYLAND; AND
  - (II) TWO APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES.
- (2) The Governor shall appoint the chairperson from among the members of the Council[;].
- (3) The members of the Council may not receive compensation for their services. Members may be reimbursed for their reasonable expenses incurred in the performance of their duties in accordance with the standard travel regulations as provided in law[; and].
- (4) The Department of Budget and Fiscal Planning shall provide staff support and technical assistance to the Council.
- C. Duties of the Council. The Governor's Council on Management and Productivity: A Public-Private Enterprise shall:
  - (1) Solicit ideas, proposals and suggestions from the business community, nonprofit organizations, government entities and Maryland citizens for innovative ways for the State to more efficiently manage its resources while maintaining quality programs and delivery of services;
  - (2) Review and evaluate the organizational structure and management practices of State government;
  - (3) Evaluate and recommend public-private partnership alternatives regarding the operation and management of State programs;
  - (4) Evaluate and recommend public-private partnership alternatives regarding the operation, management and ownership of State real property assets;
  - (5) Examine government contracting policies and procedures; and
  - (6) Provide information on entrepreneurial government activities and offer procedural and implementation assistance.
- D. Information. All State agencies shall provide information as requested by the Council.
- E. Reports to the Governor. The Council shall provide an annual report to the Governor by August 30 on its activities and recommendations.

**EXECUTIVE ORDER OF SEPTEMBER 22, 1995**

01.01.1995.24

Rescission of Executive Order 01.01.1991.32

WHEREAS, Pursuant to Executive Order 01.01.1991.32, the administration of the Young Fathers Program, now known as the Absent Parent Program, was transferred from the Department of Human Resources to a division of the Department of Economic and Employment Development, that is now a division in the newly formed Department of Labor, Licensing and Regulation;

WHEREAS, Executive Order 01.01.1995.21 rescinded Executive Order 01.01.1989.09, thus permitting the JOBS Program and the Food Stamp Employment and Training Program to be transferred from the Department of Labor, Licensing and Regulation to the Department of Human Resources;

WHEREAS, It is desirable that the agency administering the JOBS Program and the Food Stamp Employment and Training Program also administer the Absent Parent Program;

WHEREAS, Rescission of Executive Order 01.01.1991.32 will permit these three programs to be administered in the Department of Human Resources; and

WHEREAS, The Governor is authorized under Article II, Section 24 of the Maryland Constitution and Section 8-301 of the State Government Article of the Annotated Code of Maryland to order, not inconsistent with law, the reallocation of functions, powers, and duties among the departments, offices, agencies; and instrumentalities of the Executive Branch as he may deem necessary and desirable.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1991.32, EFFECTIVE IMMEDIATELY.

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**EXECUTIVE ORDER OF OCTOBER 6, 1995**

01.01.1995.25

Consolidation of Chesapeake Bay Communications

WHEREAS, The 1987 Chesapeake Bay Agreement entered into by the State of Maryland, the Commonwealth of Pennsylvania, the Commonwealth of Virginia, the District of Columbia, and the United States Environmental Protection Agency requires each signatory to conduct an ongoing public information and public awareness campaign to restore the Chesapeake Bay;

WHEREAS, Continued restoration of the Chesapeake Bay is dependent upon a well-informed and supportive citizenry;

WHEREAS, Citizen support requires timely, factual and broad based information about Chesapeake Bay restoration efforts;

WHEREAS, In Maryland, the Executive Department and the Department of Natural Resources have established and maintained separate Chesapeake Bay communications and information offices;

WHEREAS, A single clearinghouse in Maryland facilitates delivery of public information about the Chesapeake Bay to the citizens of the State; and

WHEREAS, The Department of Natural Resources is the designated lead agency for Chesapeake Bay restoration efforts including related public information and educational functions.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. The Chesapeake Bay Communications Coordinating Office, its positions, appropriations, and assets now located in the Executive Department are hereby transferred to the Department of Natural Resources.
- B. The Department of Natural Resources shall:
  - (1) Coordinate State communication plans as outlined in the Maryland Chesapeake Bay Communication Plan;
  - (2) Cooperate with the Executive Department and the Departments of Agriculture and Environment to promote public information, education, and participation activities designed to involve citizens in restoring the Chesapeake Bay; and
  - (3) Develop media campaigns to increase public awareness and participation in the cleanup of the Chesapeake Bay.

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**EXECUTIVE ORDER OF OCTOBER 27, 1995**

01.01.1995.26

Establishment of Continuous Quality Improvement Processes in Maryland State Government

(Rescinds Executive Order 01.01.1992.15)

WHEREAS, This Administration is committed to serving the needs of the citizens of Maryland;

WHEREAS, State government must operate in an efficient and cost-effective manner;

WHEREAS, Cost-effective operations are achieved through creative and innovative processes;

WHEREAS, Excellence in performance of duties, operation of programs, and delivery of service depends on a well trained workforce;

WHEREAS, Quality improvement processes redesign and streamline the delivery of government services that result in customer satisfaction and continuous improvement of products and services;

WHEREAS, Quality improvement processes access employees' skills and contributions at all levels;

WHEREAS, The establishment of quality improvement processes in State government holds the promise of enhancing the quality of life of Maryland citizens and State employees and achieves this objective within current resources;

WHEREAS, State employees are the rich resource through which these goals can be achieved; and

WHEREAS, The achievement of these objectives can best be obtained through the continuous total improvement concept;

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1992.15 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Quality Council, coordinated by the Department of Personnel. The Council shall:
  - (1) Consist of the Director, Center for Continuous Quality Improvement and representatives from State agencies involved in the quality improvement process;
  - (2) Support the statewide quality initiative process by providing technical assistance to and a quality networking opportunity for State agencies;
  - (3) Support employee teams in the resolution of problems and issues necessary to achieve maximum performance;
  - (4) Encourage employee teams to identify areas for enhanced customer service and process improvement; and
  - (5) Establish procedures for the conduct of the Council's responsibilities.
- B. Each State agency shall designate a Quality Improvement Coordinator who shall represent the agency on the Governor's Quality Council.
- C. Each Cabinet Secretary or agency director shall provide the Quality Improvement Coordinator with appropriate opportunity for direct reporting.
- D. Each agency shall incorporate their own vision, mission, and values at all operational and administrative levels through the following strategies:

## EXECUTIVE ORDERS

- (1) Develop a system to communicate the agency's vision, mission and values;
- (2) Develop a system of accountability to measure levels of internal and external customer satisfaction;
- (3) Empower employees to be more productive, responsive, and involved in the decisions that affect their work life;
- (4) Provide training in the quality improvement process for employees at all levels;
- (5) Foster an atmosphere that encourages and promotes employee involvement and continuous improvement; and
- (6) Recognize and reward employees to sustain motivation and the quality of work life.

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**EXECUTIVE ORDER OF NOVEMBER 16, 1995**

01.01.1995.27

Maryland Greenways Commission

(Amends 01.01.1992.25)

WHEREAS, The Maryland Greenways Commission was established by Executive Order 01.01.1991.24 on July 19, 1991, as amended by Executive Orders 01.01.1991.28 and 01.01.1992.25, to promote several quality of life and environmental objectives; and

WHEREAS, Modifications to the Executive Order are desirable in order to reflect the reorganization of participating State agencies and also to provide for a more current statement of duties and responsibilities for the Commission.

NOW, THEREFORE, I, PARRIS N. GLENDENING, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.1992.25 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The Commission. There is a Maryland Greenways Commission.

B. Membership and Procedures.

- (1) The Commission shall consist of [up to 30 members appointed by the Governor. The membership of the Commission should reflect a cross section of greenway interests and the geographic diversity of the State and include representation from] THE FOLLOWING MEMBERS:

- (a) [Elected local officials] THE SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE;

- (b) [Local parks, planning, and environmental agencies] THE SECRETARY OF TRANSPORTATION OR THE SECRETARY'S DESIGNEE;
  - (c) [Environmental, agricultural, and recreational interest organizations] THE DIRECTOR OF THE MARYLAND OFFICE OF PLANNING OR THE DIRECTOR'S DESIGNEE;
  - (d) [Business, real estate, and economic development organizations] THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST OR THE DIRECTOR'S DESIGNEE; and
  - (e) [The general public] UP TO 30 MEMBERS APPOINTED BY THE GOVERNOR TO REFLECT A CROSS SECTION OF INTERESTS IN GREENWAYS DEVELOPMENT IN THE STATE. THESE MEMBERS MAY INCLUDE:
    - (I) LOCAL ELECTED OFFICIALS;
    - (II) LOCAL PARKS, PLANNING AND ENVIRONMENTAL AGENCY OFFICIALS;
    - (III) REPRESENTATIVES OF ENVIRONMENTAL, AGRICULTURAL AND RECREATIONAL INTEREST ORGANIZATIONS; AND
    - (IV) INDIVIDUALS ENGAGED IN BUSINESS, REAL ESTATE AND ECONOMIC DEVELOPMENT ACTIVITIES.
- (2) [The Secretary of Natural Resources, Secretary of Transportation, and the Director of the Maryland Office of Planning shall serve as members of the Commission.
- (3)] The Governor shall [appoint] DESIGNATE the Chairperson of the Commission.
- (3) APPOINTED MEMBERS SHALL SERVE 4-YEAR, STAGGERED TERMS AT THE PLEASURE OF THE GOVERNOR AND MAY BE REAPPOINTED.
- (4) [The Governor may remove any] A member of the Commission MAY BE REMOVED for any cause adversely affecting the member's ability or willingness to perform his or her duties.
- (5) In the event of a vacancy, the Governor shall appoint a successor.
- (6) A majority of the Commission shall constitute a quorum for the transaction of any business. The Commission may adopt other procedures necessary to ensure the orderly transaction of business.

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(7) The members of the Commission may not receive compensation for their services.

[(8) The term of a member is 2 years. A member may be reappointed at the end of a term. The terms of the members shall be staggered, so that one half of the members will be appointed each year.]

C. Duties and Responsibilities of State Agencies.

(1) The Department of Natural Resources shall be the primary State agency responsible for [the planning and coordination for] greenways PLANNING AND implementation IN THE STATE. THE AGENCY SHALL PROVIDE TECHNICAL ASSISTANCE, AN OPERATING BUDGET AND NECESSARY PERSONNEL FOR THE COMMISSION, INCLUDING A STAFF DIRECTOR.

(2) All State agencies shall cooperate with the objectives of the greenways program as the agencies carry out their normal functions. The following State agencies shall designate a liaison to the Greenways Commission to serve as the coordinator of greenway-related activities and primary contact for the Commission:

- (a) Department of Agriculture;
- (b) Department of [Economic and Employment] BUSINESS AND ECONOMIC Development;
- (c) Department of [Education] HOUSING AND COMMUNITY DEVELOPMENT; AND
- (d) Department of the Environment;
- (e) [Department of General Services;
- (f) Department of Health and Mental Hygiene;
- (g) Department of Juvenile Services;
- (h) Department of Public Safety and Correctional Services; and
- (i)] Executive Department.

[(3) The Departments of Natural Resources and Transportation shall each establish an agency coordinating task group, with membership drawn from each department's constituent units, to ensure that greenways objectives are promoted. Other State agencies may form similar task groups as appropriate.]

D. SPECIAL LIAISONS TO THE COMMISSION. THE COMMISSION MAY INVITE THE PARTICIPATION OF INDIVIDUALS FROM LOCAL GOVERNMENT, THE PRIVATE SECTOR AND QUASI-GOVERNMENTAL AGENCIES TO PROVIDE SPECIAL



EXPERTISE OR TECHNICAL SUPPORT. THESE INDIVIDUALS WILL SERVE AS SPECIAL LIAISONS TO THE COMMISSION AND ASSIST ITS MEMBERS AND STAFF WITH SPECIFIC PROJECTS AND ACTIVITIES.

[C] E. Scope of Commission.

- (1) The Commission shall [direct the implementation of the recommendations of the June 1990 Report to the Governor, entitled "Maryland Greenways...A Naturally Better Idea."] DEVELOP, UPDATE AND IMPLEMENT A STATEWIDE PLAN FOR GREENWAYS.
- (2) The Commission shall [ensure that executive agencies of the State cooperate with the objectives of the greenways program,] FOSTER COORDINATION WITH RELEVANT PROGRAMS WITHIN STATE AGENCIES TO FURTHER THE OBJECTIVES AND BROADEN THE BASE OF THE GREENWAYS PROGRAM, including:
  - (a) Incorporation of greenway protection and promotion into capital project design and land management programs and inclusion of necessary budgetary resources to accommodate greenways' needs in these programs; and
  - (b) Incorporation of the greenways program into the State Land Preservation and Recreation Plan to ensure funding eligibility under Program Open Space and the Federal Land and Water Conservation Fund.
- (3) The Commission shall explore creative means for adding lands to the State's greenways network, including consideration of appropriate incentives to encourage the participation of private and quasi-public landowners such as land trusts, industry, surface mining, and farm operators.
- (4) The Commission shall encourage local governments to take necessary budgetary action and to coordinate activities in a way to further the implementation of a greenways network in their jurisdictions, including:
  - (a) Development of greenways elements for their open space and recreation plans in order that local greenways projects will be eligible for funding under Program Open Space and the Federal Land and Water Conservation Fund;
  - (b) Development of necessary legal and administrative tools to ensure that local needs are reflected in State plans and programs; and
  - (c) [Designation of local greenway coordinators to work with the Commission and Department of Natural Resources staff] PROVIDING APPROPRIATE STAFF TO ASSIST IN

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GREENWAYS PROJECTS, PROVIDING INFORMATION ON  
LOCAL ACTIVITIES AND ASSISTING IN THE  
DEVELOPMENT OF REGIONAL GREENWAYS PLANS.

- (5) The Commission shall work with and maintain an active outreach program with private nonprofit conservation organizations, grassroots interests, and the general public to advance greenways implementation.
- (6) The Commission shall cooperate with representatives of other states, federal agencies, local governments, regional organizations, and private interests in the preservation and development of interstate greenways, particularly along the Potomac River.
- (7) By December 1 of each year, the Commission shall submit an annual report on its findings to the Governor, including recommendations for any legislative, administrative, or other change the Commission deems necessary to further the development of a statewide greenway network.

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